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84TH CONGRESS, 1st Session | SENATE | REPORT No. 276

MAXIMILIAN KARL MANJURA

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 88]

The Committee on the Judiciary, to which was referred the bill (S. 88) for the relief of Maximilian Karl Manjura, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of Maximilian Karl Manjura.

STATEMENT OF FACTS

The beneficiary of the bill was born in Germany (Poland, since World War II) on March 1, 1913. He resides in Germany with his wife and three minor children who are all natives and citizens of Germany. He was convicted by court-martial of misappropriating two bed lamps and a radio from army supplies and using them in his barracks for his personal use while a member of the German Army in 1940. It is stated that this conviction by a military court was the result of political differences between the beneficiary and his superior officer. The beneficiary was employed by the United States Army in Munich, Germany as an auto mechanic from April 1951 to March 1953. His brother-in-law and sister-in-law, Mr. and Mrs. Heinz Jaeschke, reside in St. Paul, Minn. Without the waiver provided for in the bill, he will be uanble to qualify for an immigrant visa along with his wife and children.

A letter, with attached memorandum, dated August 16, 1954 to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 3180 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

AUGUST 16, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3180) for the relief of Maximilian Karl Manjura, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill. office of this Service which has custody of those files.

The bill would exempt the beneficiary from the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime or crimes involving moral turpitude, or aliens who have admitted the commission of such a crime. However, the bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of the enactment of the bill.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MAXIMILIAN KARL MANJURA, BENEFICIARY OF S. 3180

The beneficiary resides at Reitham Post Warngau, Upper Bavaria, Germany. Mr. and Mrs. Heinz Jaeschke, 216 East Belvidere, St. Paul, Minn., brother-in-law and sister-in-law of the beneficiary, have furnished the following information:

Maximilian Karl Manjura was born in Germany (Poland since World War II) on March 1, 1913. His wife, Charlotte Manjura nee Jaeschke, age 34 years; and 3 daughters, Ingrid, age 16 years; Annelore, age 9 years; and Ingeborg, age 4 years, all natives and citizens of Germany, reside with the beneficiary and desire to make application for immigrant visas and accompany the beneficiary to the United States for permanent residence. The entire family fled from Breslau, Eastern Germany, to Western Germany in 1945 prior to occupation by the Russian Army. The beneficiary had been previously married and such marriage terminated in divorce. The oldest daughter mentioned herein is the issue of that marriage.

The alien was convicted by court-martial of misappropriating two bed lamps and a radio from army supplies and using them in his barracks for his personal use while a member of the German Army in 1940, as nearly as is known. Beneficiary's own sworn declaration indicates that he was sentenced to 1 year and 3 months imprisonement in a penitentiary, of which 1 year was stricken because of heroism at the front. The beneficiary alleges in his declaration that this arrest and conviction was caused in part, at least, because of "political differences" with a superior officer who was a high Nazi Party official. Mr. Jaeschke stated that the beneficiary has been outspoken in his political views which did not coincide with those of the Nazi Party. A German court official made a sworn statement on January 9, 1954, that the files and papers concerning this conviction are now not available. Mr. and Mrs. Jaeschke have no knowledge of any other arrest and conviction of the beneficiary and alleged that to their knowledge no other such record exists.

The beneficiary was employed by the United States Army at Munich, Germany, as an auto mechanic from April 1951 to March 1953. He is now apparently unemployed. He received 4 years training in Germany as an electrician's apprentice and has also received some training in the same field in the German Army and while employed by the United States Army in Germany.

The committee may wish to communicate with the Bureau of Security and Consular Affairs for further information in this case.

Senator Hubert H. Humphrey, the author of the bill, has submitted a number of letters and documents in connection with the bill, among which is the following letter:

ST. PAUL'S EVANGELICAL CHURCH,
Duluth, Minn., March 3, 1954.

Hon. Senator HUMPHREY,
United States Senate, Washington, D. C.

DEAR SENATOR HUMPHREY: I am writing to you regarding the immigration of Maximilian Karl Manjura, Reitham Post Warngau/Obby, Germany.

Mr. Manjura is in need of congressional authorization for immigration to the United States.

It is his desire to immigrate to the United States with his family consisting of his wife Charlotte (Jaeschke) Manjura and his 3 daughters, Ingrid, age 15; Annelore, age 9; Ingeborg, age 4.

Nine families of my Young Peoples Club are the sponsoring group of this family's immigration to the United States.

All of the Manjura family are eligible for immigration to the United States, but Mr. Manjura. He was denied his visa because of a German Army court martial conviction in 1940. Mr. Manjura had used an army radio and night lamp in his own barracks. He had also been outspoken in his criticism of the Nazi regime. His officer in charge took exception to Manjura's political views. His use of the night lamp and radio were used to bring about his conviction in the second trial. In his first trial he was set free because of insufficient evidence. This in short is the Manjura story.

We know you are well acquainted with these unfair and impossible situations which our present laws governing immigration to our country create, and because of this it becomes necessary for the sponsoring group (of which I am a part) of the Manjura family to ask you to prepare a private bill in which the United States Congress will authorize the immigration of Maximilian Manjura to the United States.

Please note in enclosures especially the recommendation of the United States Army officer, Lt. A. E. Tinker; Admiral Zieb of the German Navy; and the St. Paul Pioneer Press article of Mr. Manjura's brother-in-law, Mr. Heinz Jaeschke; letters from Manjura family.

We believe this family is worthy of every consideration you can give to them. We here in Duluth will be sincerely appreciative and grateful of your every effort in their behalf.

Sincerely,

WALTER C. RASCHE.

Among the documents referred to in the above letter are the following:

Maximilian-Karl Manjura
Reitham Post Warngau/Obby.

DECLARATION ON OATH

I was drafted September 1939 and stationed with the 452d Regiment (252d Division) as news-officer. Already during the first days of the Polish War did I encounter difficulties with the first officer of the regiment. He was a lieutenant of the reserve and held high office with the Nazi Party. I do not recall his name. The differences of our political views were more apparent from day to day.

After finishing the Polish War, we were ordered to the West—the Siegfried Line. In a restaurant near Homburg, I debated the freedom of the press with 3 S–A men. This debate was referred to the regiment and I was given an immediate warning by the adjutant in the presence of the above lieutenant. From that day forward, life was made pretty hard for me by the officer in question. My request to be transferred was not heard.

A week following the above incident, the lieutenant and others came to my barrack, which was located near the GHQ, and arrested me. No reason was given. During the trial at the court martial, I was charged with the following:

1. To have taken two night-table lamps and one radio which were to be used in bunkers of the Westwall, to have used them for my personal use in my barrack. This was called "military thievery" and "embezzlement."

2. To have removed letters of wrath written by the mother of my divorced wife from the files. This was called "falsification of legal documents." My differences of political opinions with the lieutenant were referred to as "against war and interfering with the war effort." The use of the lamps was called "weakening of the Army."

However, because of insufficient evidence, I was set free by the 252d division and ordered back to my troop.

My sentence did not come through the 252d division, but through the 78th division to which I was transferred without any reason within the next 14 days.

The same lieutenant intervened again because of my political views. The same charges were brought against me and I was found guilty of the aforementioned charges. Verdict: 1 year and 3 months penitentiary and loss of rank. Of this, I served 3 months; 1 year was stricken because of heroism at the front.

Beginning in August 1940, until the end of hostilities, I was called into the navy where I advanced in rank and was rehabilitated.

(Signed) MAXIMILIAN-KARL MANJURA.
(Born First March, 1913,
Reitham Post Warngau/Obby.)

DECLARATION UNDER OATH—P. W. ZIEB, ADMIRAL OF THE NAVY (RETIRED), FORMER DIRECTOR OF THE SHIPBUILDING WORKS AT WILHELMSHAVEN

WILHELMSHAVEN, *November 14, 1953*

Mr. Maximilian Manjura of Reitham, P. O. Warngau, has asked me to testify about his sentence in 1940. Manjura was stationed in Wilhelmshaven in August 1940. He was detailed to me under my command as director of the shipbuilding works. It was my duty to look through his papers and saw his court martial punishment about which I do not wish to give an opinion. I cannot even say which court did the sentencing. However, I recall that I found the verdict to be unjust and had the feeling that the personal feelings of a former officer of Manjur were responsible for the verdict. Because a former court martialed man was, during the time of war, to be watched at all times, I had requested reports about the work and character of Manjura from his immediate superior, Capt. Bretthauer (Dipl. Eng.). This officer, who is now missing in Russia, was of the same opinion about the verdict (that it was brought about through personal and perhaps political differences between Manjura and his former officer). Bretthauer and I were of the opinion that the course of justice could have been changed by a responsible superior in a disciplinary way.

After perfect behavior over a period of a long time have I recommended his advancement to sergeant about the end of 1942. This advancement was certainly not easy to get because of the court martial verdict. To make it easier for Manjura in the future, it was my intention to bring about a revision of the verdict. This, however, was not possible as I have been transferred by the end of 1942 as a commanding officer in the Black Sea.

(Signed) P. W. ZIEB.

In addition, Senator Humphrey submitted the following information in connection with the case:

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Munich, Germany, September 2, 1954.

The Honorable HUBERT H. HUMPHREY,
United State Senate, Washington, D. C.

MY DEAR SENATOR HUMPHREY: I have received your letter of August 27, 1954, concerning the immigration case of Maximilian Karl Manjura, who is inadmissible to the United States under section 212 (a) (9) of the Immigration and Nationality Act of 1952, and on whose behalf you have introduced a private bill into the Senate.

Mr. Manjura has already exhibited to us the pardon signed by the United States High Commissioner for Germany for the offense for which he was convicted by a military court on October 24, 1947, but we are still unable to proceed with his case because of additional convictions.

Unfortunately, Mr. Manjura has received three other convictions, one in a German military court in 1940 and two in German civil courts in 1947 and 1949, the first for embezzlement and theft, and the second and third convictions for bodily injury. Since the first conviction is for a crime involving moral turpitude

and possibly the other two also, he is still inadmissible under section 212 (a) (9) unless he should be able to obtain a reversal of the convictions by a court of competent jurisdiction. It is unlikely that such reversals would be possible now, at least for the offense for which he was convicted by a German military court in 1940.

The consulate general is now endeavoring to obtain copies of the court records in all three cases in order that they may be forwarded to the appropriate committee for consideration. Meantime we have no alternative other than to still consider Mr. Manjura inadmissible under section 212 (a) (9) as a person convicted of a crime involving moral turpitude, since refusal of a visa by us is mandatory under such circumstances.

If Mr. Manjura is successful in obtaining a reversal of the convictions, or a private bill is passed on his behalf by Congress, we will, of course, be pleased to proceed with his case.

Sincerely yours,

E. ALLAN LIGHTNER, Jr.,
American Consul General.

UNITED STATES HIGH COMMISSIONER FOR GERMANY

ORDER OF PARDON

Whereas one Maximilian Manjura was convicted of the offense or violation of Military Government Ordinance I, article I, section 19, and ordinance I, article II, section 21, by the summary military government court at Munich, and sentenced to 60 days imprisonment, beginning October 21, 1947, by judgment dated October 24, 1947; and

Whereas this case has now come before me by way of petition for pardon, and after due consideration, and in exercise of the powers conferred upon me, I Hereby Order:

That a full pardon be granted Maximilian Manjura, that the conviction be stricken from the register, and the petitioner be restored full civil rights, the same as if he had not been convicted.

Done at Bad Godesberg, Germany, this 12th day of May, A. D., 1954.

JAMES B. CONANT,
United States High Commissioner for Germany.

[Translation of the Dr. L. Jedelhauser letter of June 6, 1954]

DEAR MR. MANJURA: The Attorney General of the Berlin-Charlottenburg High Court has informed me (legal papers II–1613 StR. 51 (B) of March 19, 1954) that the Senator of Justice ordered the sentences given you by the War Ministry of the 252 Inf. Div. on October 14, 1947, and also the sentences given you by the court of Munich on September 29, 1949, be cancelled forthwith.

Congratulations to you even though belated, and sincerely hope there will be nothing in your way to immigrate.

Sincerely,

(Signed) Dr. L. JEDELHAUSER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 88) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 277

MAY 16 1955
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HEDWIG MARIE ZAUNMULLER

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 430]

The Committee on the Judiciary, to which was referred the bill (S. 430) for the relief of Hedwig Marie Zaunmuller, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hedwig Marie Zaunmuller. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 42-year-old native and citizen of Austria who last entered the United States as a visitor on December 20, 1948. She resides with her mother, who is a lawful permanent resident of the United States. Her mother is suffering from diabetes and she is dependent upon the beneficiary for support. She also has two sisters residing in the United States who are United States citizens.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 2692 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

AUGUST 3, 1954.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2692) for the relief of Hedwig Marie Zaunmuller, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Austria.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HEDWIG MARIE ZAUNMULLER, BENEFICIARY OF S. 2692

Hedwig Marie Zaunmuller, an Austrian subject, was born on January 13, 1913, in Linz, Austria. Her last foreign residence was in Freistadt, Austria. She last entered the United States at New York, N. Y., on December 20, 1948, as a visitor for 4 months. Her last extension of stay expired on November 15, 1949. Her application for adjustment of status under section 4 of the Displaced Persons Act of 1948 was denied on September 17, 1951. Deportation proceedings have been instituted and she has been found to be deportable from the United States on the ground that after admission to the United States as a visitor, she remained longer than permitted. She applied for suspension of deportation but this application was also denied. She was granted the privilege of preexamination and voluntary departure, but failed to avail herself of that privilege. A warrant of deportation is outstanding in her case.

Miss Zaunmuller attended school for 20 years in Austria. In the United States she has been employed as a hairdresser. She has $3,000 in the bank, a one-third interest in a house worth between $5,000 and $6,000, and a piano valued at approximately $1,000. She is single and part of the time resides with her mother, who is a lawful permanent resident of the United States, and the balance of the time she lives with a married sister who is the beneficiary of another private bill. Her mother is suffering from diabetes and it is claimed that she is depending upon the beneficiary for support. The beneficiary also has two sisters residing in the United States, who are alleged to be United States citizens.

Senator H. Alexander Smith, the author of the bill, has submitted the following information in connection with the bill:

NEW YORK, N. Y., *January 1, 1951.*

UNITED STATES DEPARTMENT OF JUSTICE,
Immigration and Naturalization Service,
New York, N. Y.

GENTLEMEN: In reply to your letter of November 13, 1950, Reference No. A7809671 DP, I enclose the following documents:

(1) Two photostatic copies of my passport.
(2) Fingerprint chart.
(3) Birth certificate in duplicate.
(4) Three affidavits in duplicate of persons who have known me during my stay in the United States, that is, since December 1948.
(5) Affidavit of good conduct from police headquarters.
(6) Affidavit from my school, the Banford Academy of Beauty Culture.

Still missing are the following documents:

(*a*) Two affidavits in duplicate from persons residing in the Russian Zone of Austria who have known me since birth and will vouch for my character.

(*b*) Evidence proving my inability to return to my home in Austria.

As all the people who have known me in Austria reside in my old home town, Freistadt, which is in the Russian Zone, I was unable to communicate with them directly without gravely prejudicing their security, I have therefore only sent one letter into the Russian Zone asking a friend of mine to pick up a letter which I sent general delivery Linz U. S. This letter contained full details of my require-

ments. I have as yet not had an answer to these letters and I am terribly worried that my letter into the Russian Zone may have been intercepted and never reached my friend, for whom it may in fact prove dangerous.

I have been assaulted by Russian soldiers and threatened with shooting. A few days prior to my departure to this country, which was of course kept entirely secret. I was interrogated by the Russian secret police. I am certain that if I should have to return it would mean my immediate arrest and execution by the Russians.

Until I receive the letters from the mayor and other notable persons of my home town who will testify to the truth of my statement, I am unable to bring any further proof than my word.

I am financially supported by my sister, Mrs. A. Hazek, R. D. No. 2, Princeton, N. J., and my other sister and brother-in-law, Mr. and Mrs. Frederick Kress, 321 West 74th St., New York City. As soon as I have obtained a permanent status I will be able to support myself as I am trained in nursing as well as beauty culture.

At present I am looking after my old mother who suffers from diabetes and heart trouble. All of my immediate family is living in the United States. My two sisters are citizens of the United States of America and my mother is here as an immigrant.

In view of the above outlined circumstances I beg for the favorable consideration of my case.

Very truly yours.

HEDWIG ZAUNMULLER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 430) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 278

MAY 16 1955
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TOY LIN CHEN

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 715]

The Committee on the Judiciary, to which was referred the bill (S. 715) for the relief of Toy Lin Chen, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Toy Lin Chen. The bill provides for the appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of the Republic of Indonesia of Chinese ethnic origin, who last entered the United States at Baltimore, Md., on November 15, 1946, as a temporary visitor. He has lectured extensively in the United States on Indonesia and is an accomplished musician and an authority on Indonesian music. He is also an official in a firm engaged in foreign trade between the United States and the Republic of Indonesia and his services and active participation in that firm are necessary to the continued promotion of this vital trade.

A letter, with attached memorandum, dated December 31, 1953, to the then chairman of the Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 1695, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 31, 1953.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1695) for the relief of Toy Lin Chen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TOY LIN CHEN, BENEFICIARY OF S. 1695

Toy Lin Chen, a citizen of the Republic of Indonesia, was born in Jakarta, formerly Batavia, Indonesia, on December 27, 1918. He entered the United States at Baltimore, Md., November 15, 1946, for a temporary period as a visitor. Upon his failure to depart at the expiration of the period of his temporary admission, he was made the subject of deportation proceedings on the ground that he has remained in the United States for a longer period than permitted by the immigration laws. He was permitted voluntary departure in lieu of deportation, but has failed to avail himself of this privilege. A warrant for his deportation was thereafter issued and is now outstanding.

The alien was the beneficiary of two other private bills introduced in Congress for his relief, namely, H. R. 3235, 81st Congress, and H. R. 3223, 82d Congress. He is employed in the United States in a secretarial position earning $60 per week. His only assets are a $500 bond posted with this Service.

The alien is single. He has no relatives in the United States. He has two brothers and two sisters in Indonesia. He states that there is no bar to his return to his native country.

Senator John F. Kennedy, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
Washington, D. C., February 11, 1955.

The Honorable HARLEY KILGORE,
Chairman, Senate Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: In the absence from Washington of Senator Kennedy, who as you know is recuperating from a recent spinal operation, I am taking the liberty of contacting you to express the Senator's interest in the case of Toy Lin Chen for whose relief he had filed private bill S. 1695 in the 83d Congress.

Although S. 1695 was approved by the Senate Subcommittee on Immigration and recommended to the Senate Judiciary Committee under date of August 18, 1954, it was not possible to take final action on same before the close of the 83d Congress. However, in this connection, I wish to advise that, in view of the worthy circumstances in this particular case and Senator Kennedy's desire to be of all possible assistance, we have recently arranged to have another bill introduced for the relief of Toy Lin Chen by Senator Saltonstall in behalf of Senator Kennedy. This new bill is S. 715, which was introduced in the Senate on January 26, 1955, and referred to your committee.

We are enclosing herewith an up-to-date statement of the facts involved in this case which we feel will prove helpful to your committee in its consideration of S. 715 and, needless to say, we sincerely hope that this bill will receive favorable passage in the Senate.

Thanking you in advance for assistance you may be in position to render in this matter, and with kindest regards, I am

Sincerely,

T. J. REARDON, Jr.,
Administrative Assistant.

NEW YORK 27, N. Y., *February 8, 1955.*

The Honorable JOHN F. KENNEDY,
United States Senate, Washington, D. C.

DEAR SIR: This serves to acknowledge with thanks the letter of January 31 sent to me by your Mr. T. J. Reardon, Jr., and also the copy of my new bill S. 715.

I am most grateful to you and Mr. Reardon, and I am happy to know with your continued interest and assistance in my case, that the new bill S. 715 has now been reintroduced in the 84th Congress.

In order to strongly support my new bill S. 715, I am enclosing herewith three letters addressed to you containing up-to-date statement of the facts in regard to my activity as well as the necessity of my remaining with Mutra, Inc., of New York City, N. Y.

In addition to the facts mentioned in the enclosed letters, I wish, with your permission, to again state the following facts that:

(1) Since my arrival in the United States on November 15, 1946, up to the present time I have never violated any Federal law nor committed crime of any kind. Neither in the past out of the United States had I any record or records against me.

(2) I have at all times been favored of suppressing the spread of communism. I have never been a member of the Communist Party or joined any Communist organization at anywhere or at any time.

In September 13, 1948 I wrote an Indonesian article for a newspaper in Indonesia. The article was entitled, "The Incident of Mrs. Kasenkina" in which I told the people in Indonesia the actual picture of the incident how Mrs. Kasenkina was given mental torture by the Soviet Consul General and how she finally jumped for freedom from the Soviet Consulate in New York.

On January 16, 1951, I voluntarily translated from English into Indonesian language for the Voice of America an article entitled, "I Like America" by Miss Edith Sampson. The stated Indonesian translation was sent to the Voice of America in care of Mr. Horace H. F. Jayne, the Chief of the Chinese unit.

(3) My love and respect for the United States of America can far be proved by my articles in the past sent to several newspapers and magazines in Indonesia as well as in the newspapers in America.

On May 6, 1950, the Christian Science Monitor of Boston, Mass., published my article "Indonesia Meets the U. S. A." in which I expressed my good impression of the United States of America.

On November 11, 1953, The Christian Science Monitor published my open letters entitled, "International Understanding," and "Chapel at the Capitol" dated May 15, 1954.

On May 21, 1954, I received a handwritten letter from former President Harry S. Truman. To express my warmest appreciation to Mr. Truman and also to give my deep impression toward the people of America, I sent an open letter to the Christian Science Monitor. This also was published in the Christian Science Monitor on June 15, 1954, entitled, "Mr. President."

Kindly sir, find the enclosed clippings of the mentioned article, and also the mentioned open letters which are self-explanatory.

(4) Since my participation with Mutra, Inc., I have been able to link closer business relationships between the United States and Indonesia. Most recently we succeeded in extending the business to Manila (the Philippines) and to Lima, Peru (South America). We export tinplates, textiles, cigarette papers, chemicals, loudspeakers, handbag frames to Indonesia, and we export mostly textiles to Manila and general merchandise such as supermarket wagons, kerosene cook stoves, toys and also textiles to Peru in South America.

(5) My American mother, Mrs. Ethel S. Harbinson, formerly of Belmont, Mass., is now living in Bristol, N. H. Her only son, Hugh R. Harbinson, FM., 1st, while working as an engineer in captain's launch on February 23, 1951, was killed by being run down by tugboat in Elizabeth River, Norfolk, Va. It was learned when the crash occurred Mr. Harbinson was working in the engineroom. In order to save the crew who were with him, he shouted to his deck crew to grab lifejackets. Three deck crew were saved but he himself was lost. The crew testified later that due to Mr. Harbinson's gallant orders they were saved. He was with the U. S. S. *Barton* during the mishap. Therefore should my great desire of becoming a United States citizen fail, it would certainly bring another heavy shock for my American mother whom I love so much and who has lost her only son in the mentioned tragedy.

(6) I come from an old and respectable family of well-established identity. My grandfather was, for many years, the mayor of Batavia (now being called Djakarta) in Indonesia. Dr. Tehyi Hsieh, the well-known former Chinese diplomat and now the noted lecturer in the United States, mentioned to you in his letter dated May 26, 1953, "Chen comes from a good home in Bandung (actually Batavia), Java, where his father (actually my grandfather) was once (actually for many years) a mayor of that city who distinguished himself among the local Chinese officials there. I remember this myself as a former Chinese Government official sent to Strait Settlements and Java in diplomatic service because I met him with the late father-in-law of our present Chinese Ambassador Wellington Koo."

In view of all the facts as mentioned above, I am hoping and praying that this letter as well as the enclosed letters and clippings will prove most beneficial to the Judiciary Committee in taking favorable action on my bill, S. 715.

Thanking you sir most heartily for your continued interest in my case as well as your assistance in this matter, and with warmest regards to you and Mr. Reardon, Jr., I remain

Very respectfully yours,

TOY LIN CHEN.

NEDERLANDSCHE HANDEL-MAATSCHAPPIJ, N. V.,
NEW YORK AGENCY,
February 7, 1955.

The Honorable JOHN F. KENNEDY,
United States Senate, Washington, D. C.

SIR: Mr. Toy Lin Chen, known to us as Sterling Chen, has shown us the letter which was addressed to him from your office on January 31 in which was enclosed a copy of S. 715 which you had introduced for his relief by Senator Saltonstall. Mr. Chen has also asked us to inform you briefly of our contacts with him.

Mr. Chen has been known to us since June 1953 as secretary and treasurer of Mutra, Inc., 132 Nassau Street, New York 38, N. Y. That company exports tinplate and other products of American manufacture to Indonesia, and it may be of interest to you to learn that this agency advised letters of credit in Mutra, Inc.'s favor covering exports to Indonesia to the following extent:

Second half of 1953	$306, 816. 00
Year 1954	563, 533. 95
Month of January 1955	138, 274. 00

Our experience with these letter of credit transactions has been uniformly satisfactory, and we have also been favored with a very valued account of the corporation.

We trust that the foregoing information will prove of assistance.

Respectfully yours,

NEDERLANDSCHE HANDEL-MAATSCHAPPIJ, N. V.,
NEW YORK AGENCY,
——— ——— *Agent.*

METAL PURCHASING CO.,
New York 1, N. Y., February 7, 1955.

The Honorable JOHN F. KENNEDY,
United States Senate, Washington, D. C.

DEAR SENATOR KENNEDY: In behalf of my associates of the Metal Purchasing Co., New York City, as well as myself personally, I am writing in support of the bill which you have sponsored for and in behalf of Mr. Toy Lin Chen (Sterling Chen).

We have known Mr. Chen for the last 2 years through his association as an officer and active member of Mutra, Inc., of New York City. His firm is engaged in foreign trade between the Republic of Indonesia and the United States of America. Mr. Chen is a principal in Mutra, Inc., and he personally is very substantially responsible for the great progress which their firm has made and the excellent reputation which they enjoy in business circles.

In the course of our business relationships with Mr. Chen and his company, we have found him to be completely honorable and thoroughly responsible in every respect for his commitments. In addition, we believe that their activities are of considerable value in promoting commerce and good will between Indonesia and this country.

We have come to know Mr. Chen very well personally. He is a man of great culture, exceptionally well educated and undoubtedly of considerably more than average ability. We can unreservedly recommend him with respect to moral character and integrity. Knowing his sincere and very ardent desire to become a citizen of the United States, I recommend him to you unqualifiedly with the conviction that he has all the desirable attributes sought for in one who wishes to become a United States citizen.

Very truly yours,

METAL PURCHASING CO.
JUDSON I. COHEN.

APRIL 15, 1954.

The Honorable JOHN F. KENNEDY,
United States Senate, Washington, D. C.

DEAR SENATOR KENNEDY: In support of the bill which you have so kindly sponsored for and behalf of Mr. Toy Lin Chen (Sterling Chen), I take the privilege to write to you this letter. Although I am not a constituent of yours, I have, with great interest, followed your constructive work which is distinguished by your consistent support of humane and liberal legislation.

Mr. Toy Lin Chen has been associated with Mutra, Inc., of New York since June 1953 as an officer and active member of the firm. Mutra, Inc., is engaged in foreign trade between the United States of America and the Republic of Indonesia. Mr. Chen represents the interests of our Indonesian associates and he contributes thus substantially to promote good will and business between our firm and Indonesia. His association and active participation in our firm, Mutra, Inc., is vitally necessary to retain this trade which today, more than ever, is a link in the chain of our national economy. Any disruption through Mr. Chen's absence from Mutra, Inc., would be an irreparable loss to our firm and would have ultimately a very unfavorable effect on our firm as well as our foreign trade in general.

Therefore, I am respectfully submitting to your good offices this request to apply all means within your power to reopen the bill for and in behalf of Mr. Toy Lin Chen in order to enable Mr. Chen to remain in the United States permanently which he has been earnestly hoping for. I am sure that you will, after consideration of these circumstances, exert the influence of your good offices that favorable action will be taken by the Judiciary Committee so that Toy Lin Chen (Sterling Chen) will ultimately become a citizen of the United States. I am certain that he is worthy of this privilege and that he will become a loyal and valuable citizen of our country.

Most respectfully yours,

HENRY WEINGARTNER,
President, Mutra, Inc.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 715) should be enacted.

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Calendar No. 286

84TH CONGRESS, 1st Session | SENATE | REPORT No. 279

MAY 18 1955
LAW LIBRARY

IRFAN KAWAR

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1483]

The Committee on the Judiciary, to which was referred the bill (S. 1483) for the relief of Irfan Kawar, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Irfan Kawar. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Palestine who was born in Nazareth, Palestine, which is now under the control of the State of Israel. He last entered the United States at New York on September 24, 1951, as an exchange student. Prior to his entry into the United States he studied for 4 years at St. John's College, Oxford, England, and appears to be a displaced person. He is presently doing graduate work at the Washington Dumbarton Oaks Institute of Harvard University.

A letter, with attached memorandum ,dated January 7, 1954 to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 1342 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

JANUARY 7, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1342) for relief of certain named beneficiaries, there is attached a memorandum of information concerning Irfan Kawar, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It also directs the required numbers to be deducted from the appropriate immigration quota.

Irfan Kawar is chargeable to the quota of Israel.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE IRFAN KAWAR, BENEFICIARY OF S. 1342

Irfan Kawar was born in Nazareth, Palestine, which is now in Israel, on January 15, 1926. He is a subject of Jordan. His last residence abroad was at St. John's College, Oxford, England, where he studied for 4 years. He entered the United States at New York, N. Y., on September 24, 1951. He was admitted as an exchange student under section 201 of Public Law 402. He has been granted extensions of stay to April 23, 1954.

Mr. Kawar is taking graduate courses at Princeton University with the view toward obtaining a doctor of philosophy degree. His only employment in the United States has been on the campus. His education is being financed by fellowship grants. He has no other income or assets.

Mr. Kawar has two cousins living in the United States. His mother and one sister reside in Haifa, Israel. He attended the Government Arab College in Jerusalem before going to England.

Senator Langer, the author of the bill, submitted to the Committee on the Judiciary of the Senate, the following letter in connection with the case:

AMERICAN MIDDLE EAST RELIEF, INC.,
New York, N. Y., July 2, 1954.

Re Irfan Kawar (S. 1342).

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

I, George M. Barakat, certify to the following:

Irfan Kawar, whose name appears on S. 1342, entered the United States as a student on September 22, 1951, and is presently enrolled at Graduate College Princeton, N. J. He is 28 years of age, having been born in Nazareth, Palestine, on January 15, 1926.

His home in the new section of Jerusalem is now a part of the State of Israel to which his return as an Arab is forbidden by the Israeli authorities. This unfortunate displaced person would welcome an opportunity to start life anew in America.

To the best of my knowledge and belief Mr. Kawar is a person of excellent character and good reputation in his community and I would unreservedly recommend his admission as a permanent resident and prospective American citizen.

Respectfully submitted.

GEORGE M. BARAKAT,
Executive Director.

The committee files also contain the following letter from Mr. John S. Thacher, director, Dumbarton Oaks Research Library and Collection of Harvard University:

HARVARD UNIVERSITY,
THE DUMBARTON OAKS RESEARCH LIBRARY AND COLLECTION,
Washington 7, D. C., April 5, 1955.

Hon. HARLEY MARTIN KILGORE,
Senator from West Virginia,
Senate Office Building, Washington 25, D. C.

DEAR SENATOR KILGORE: On March 18 Senator Langer introduced bill S. 1483 in order to give Irfan Kawar permanent status in this country, as you will see from the enclosed copy of the bill. As Mr. Kawar is a fellow at Dumbarton Oaks, Harvard University, I am taking the liberty of writing to ask whether you could do anything to expedite the passage of this bill, which I understand is before the Senate Judiciary Subcommittee of which you are the chairman.

I would be very happy to come to your office and discuss this matter with you if you would like to see me.

Yours sincerely,

JOHN S. THACHER, *Director.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1483) should be enacted.

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Calendar No. 287

84TH CONGRESS, 1st Session } SENATE { REPORT No. 280

MAY 16 1955
LAW LIBRARY

KOSMAS VASSILIOS FOURNARAKIS

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1513]

The Committee on the Judiciary, to which was referred the bill (S. 1513) for the relief of Kosmas Vassilios Fournarakis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Kosmas Vassilios Fournarakis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 50-year-old native and citizen of Greece who last entered the United States as a visitor on January 27, 1951. At the time of entry he was an official representative at the port of New York of the Panhellenic Marine Federation, a Greek seamen's union. In November 1951, his services with the union were terminated and he organized and became president of Angyra, an international society for the aid of Greek seamen.

A letter, with attached memorandum, dated June 18, 1954 to the then chairman of the Senate Committee on the Judiciary from the executive assistant to the Commissioner of Immigration and Naturalization with reference to S. 1123 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

JUNE 18, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1123) for the relief of Kosmas Vassilios Fournarakis, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Greece.

Sincerely,

———— ————,
Executive Assistant to the Commissioner
(In absence of Commissioner).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KOSMAS VASSILIOS FOURNARAKIS, BENEFICIARY OF S. 1123

Kosmas Vassilios Fournarakis, a native and citizen of Greece, was born on July 3, 1904. His last admission to the United States occurred at the port of New York on January 27, 1951, as a visitor for business for a period of 6 months. At the time of entry the alien was an official representative in the port of New York of the Panhellenic Marine Federation (PNO), a Greek seamen's union incorporated in Piraeus, Greece, under the laws of that country. On April 9, 1952, as a result of an investigation which disclosed that the alien was no longer employed as an official representative of that organization, he was advised that the previous extension of temporary stay granted him to June 22, 1952, was revoked, and that he had 30 days to depart from the United States. This was later extended to February 15, 1953.

The record shows that in November 1951, the Panhellenic Marine Federation directed that the alien's services be terminated. On February 8, 1952, he was advised that he was being replaced by another representative of that organization and that he was being recalled to Greece. He continued to remain in this country and organized and became president of Angyra, an international society for the aid of Greek seamen.

While employed by the Panhellenic Marine Federation, the alien received a salary of $375 per month. His duties required him to act in the interests of Greek seamen arriving in this country. As president of Angyra he receives a salary of $250 a month. He has no one in the United States who is dependent upon him for support. He is married and his wife, together with her daughter and son, aged 20 and 17, respectively, reside in Greece. He has stated that he contributes regularly to their support; that they have some property in Greece; and that his wife is an obstetrician.

Senator Arthur V. Watkins, the author of the bill, has submitted the following memorandum in connection with the case:

JULY 1, 1954.

Subject: S. 1123, for the relief of Kosmas Vassilios Fournarakis.

The purpose of this bill is to permit Mr. Fournarakis to regularize his status in the United States so that he will be in a position to carry out more effectively his duties as president of the Greek-American International Society for Aid to Greek Seamen (Angyra). Mr. Fournarakis is considered essential to the continued development of the society, which is of substantial value in combating Communist influence among Greek seamen both in the United States and abroad. Both in his private capacity and as president of Angyra, Mr. Fournarakis has demonstrated his highly pro-American sentiments on numerous occasions. Because of the high esteem in which Mr. Fournarakis is held by Greek seamen generally, and because of the dynamic and constructive leadership which he has demonstrated in guiding Angyra and using it as an effective weapon in the struggle against communism among Greek seamen, it is felt that the regularization of his status and his continued residence in this country is warranted.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1513) should be enacted.

Calendar No. 288

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 281

MAY 16 1955
LAW LIBRARY

ROSITA A. JOCSON

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1517]

The Committee on the Judiciary, to which was referred the bill (S. 1517) for the relief of Rosita A. Jocson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Rosita A. Jocson. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of the Philippine Islands who last entered the United States as a visitor on February 15, 1953. She entered to visit her sister who was then residing in Honolulu. She now resides in Maryland with her sister and brother-in-law who is a member of the staff of Adm. Arthur Radford, Joint Chief of Staff. She is dependent upon her sister and brother-in-law for support.

A letter, with attached memorandum, dated June 11, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 3054 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

JUNE 11, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3054) for the relief of Rosita A. Jocsan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Services files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the Philippine quota.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSITA ARCENA JOCSON, BENEFICIARY OF S. 3054

Rosita A. Jocsan, whose true name appears to be Rosita A. Jocson, was born in Niac, Cavite, Philippine Islands, on September 28, 1929. Her last residence abroad was in the Philippine Islands. She entered the United States at Honolulu, T. H., on February 15, 1953, when she was admitted as a visitor for the purpose of visiting her sister, Mrs. Eusebia Miguelino, then residing in Honolulu. She has received extensions of stay until August 15, 1954.

Miss Jocson resided in Honolulu, T. H., from February 15, 1953, until July 9, 1953, and moved to her present address, 4930 Neptune Avenue, Glass Manor, Md., where she continues to reside with her sister and brother-in-law, the latter being a member of the staff of Adm. Arthur Radford, Joint Chiefs of Staff.

Miss Jocson in unmarried and has no one dependent upon her for support. She has one sister in the United States. Her married brother lives in the Philippine Islands. She was employed as a dressmaker until departing for the United States where she is being supported by her brother-in-law, Chief Steward Elias Miguelino.

Senator James O. Eastland, the author of the bill, has submitted the following information in connection with the case:

MARCH 1, 1954.

The Honorable JAMES O. EASTLAND.
United States Senate.

DEAR SENATOR EASTLAND: I am writing you on behalf of a Philippine national who is anxious to become a citizen of the United States.

Her name is Rosita Arcena Jocson and she is 24 years old. She is the unmarried sister-in-law of Chief Steward Elias Miguelino, United States Navy, who is attached to the staff of Adm. Arthur W. Radford, Chairman of the Joint Chiefs of Staff.

Rosita Jocson at the present time is in this country on a temporary visitor's visa. She is living with her sister and brother-in-law, Chief Miguelino, both of whom are United States citizens and own a home at 4930 Neptune Avenue, Glass Manor, Md.

Chief Miguelino has served in the United States Navy since October 1930 and has been on Admiral Radford's staff for 4½ hears. I have known him personally for about 18 months and am convinced his loyalty to the United States is unquestioned.

I will deeply appreciate your introducing on behalf of Rosita Jocson a private relief bill to make her a citizen of the United States.

Sincerely,

MEANS JOHNSTON, Jr.,
Commander, United States Navy.

MARCH 3, 1954.

To Whom It May Concern:

This is to certify that Rosita A. Jocson was born in Naic, Cavite, Philippine Islands, on September 28, 1929. She first entered United States territory at Honolulu, T. H., on February 15, 1953, on a visitor's visa. She was granted an extension in Honolulu on August 14, 1953, and a second extension in Washington, D. C., on January 20, 1954.

Rosita Jocson is the sister of my wife, Eusebia J. Miguelino. Both my wife and I are United States citizens. Rosita's brother, Jose Jocson, is a chief steward in the United States Navy and is now living at 17 Porter, San Francisco, Calif. He has served in the Navy about 24 years and is also a United States citizen. I have known Rosita since 1936. Both her mother and father died, leaving her an orphan at the age of 7. After that she lived with and was supported by my wife, who was approximately 12 years older. Since my marriage to Rosita's sister in 1938 I have also contributed to her support, including sending her to a dressmaker's school. She lived with my wife in the Philippines continuously until she was about 17 years of age, at which time my wife joined me, after the war, in California in 1946, and Rosita was unable to accompany her. In September 1949 I reported for duty in Honolulu on the staff of Adm. Arthur W. Radford, who at that time was commander in chief, Pacific, and is now Chairman of the Joint Chiefs of Staff. I am on Admiral Radford's staff at the present time, having served with him continuously since September 1940. Rosita joined my wife and me in Honolulu on February 15, 1953, and has remained with us since that time. We are now living together at a home which I recently purchased at 4930 Neptune Avenue, Glass Manor, Md.

Because of the fact that Rosita's parents died when she was so young my wife has actually been more of a mother than a sister to her. We are both most anxious that she not be again separated from our family when the current extension to her entrance visa expires in July of this year. Because of the circumstances recited above, unusually strong family ties have developed between the three of us, and it would be an extreme personal hardship for all of us should it become necessary for Rosita to leave. Also, Rosita is completely dependent on me and my wife for her support at this time.

During her stay in this country, Rosita has come to love the United States and desires above every thing else to become a citizen. I am certain that she will make a good one, as well as a loyal one.

ELIAS MIGUELINO,
Chief Steward, United States Navy.

The above statement by my husband is hereby certified to be a true statement of the facts:

EUSEBIA J. MIGUELINO.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,
Washington, March 3, 1954.

To Whom It May Concern:

This is to certify that Rosita A. Jocson, a Philippine national, is the unmarried sister-in-law of Chief Steward Elias Miguelino, USN, presently attached to my staff. Chief Miguelino has served continuously in the United States Navy since October 1930 and has been attached to my staff for the past 4½ years. Both Chief Miguelino and his wife, Eusebia J. Miguelino, are United States citizens.

Rosita A. Jocson entered United States territory at Honolulu, T. H., on February, 15, 1953, on a visitor's visa. She was granted an extension of her visitor's visa in Honolulu in August of 1953, and a second extension in Washington, D. C., on January 20 of this year. At the present time she is living in the home of Chief and Mrs. Miguelino, a home recently purchased by them, at 4930 Neptune Avenue, Glass Manor, Md.

It is my understanding that Rosita's mother and father died when she was a very young girl and that since that time Mrs. Miguelino has assumed practically full responsibility for her welfare and education. She has been to Rosita during this time more than a mother than a sister. Chief Miguelino, since his marriage to Rosita's sister, has contributed largely to her support and sent her to a dressmaker's school. At the present time Rosita is making her home with and is completely dependent on, Chief and Mrs. Miguelino. Because of the unusually strong family ties it would be an extreme personal hardship should it become necessary for this family to be separated.

Mrs. Radford and I have known Rosita Jocson since her arrival in Honolulu in February 1953. We both feel that she is a young lady of excellent character and that she will make a good, loyal citizen.

ARTHUR RADFORD.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1517) should be enacted.

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Calendar No. 289

84TH CONGRESS, 1st Session } SENATE { REPORT No. 282

MAY 16 1955
LAW LIBRARY

GARABED PAPAZIAN

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1521]

The Committee on the Judiciary, to which was referred the bill (S. 1521) for the relief of Garabed Papazian, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Garabed Papazian. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill was born in Turkey on February 12, 1923, and he last entered the United States on October 31, 1951, as a student to attend Philadelphia Divinity School, Philadelphia, Pa. In June of 1952 he transferred to Episcopal Theological School, Cambridge, Mass., and is presently there. He is an orphan and attended theological schools in Jerusalem and Lebanon before coming here. He is supported by the New York Diocese of the Armenian Church.

A letter, with attached memorandum, dated June 11, 1954 to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 2329 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

JUNE 11, 1954

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2329) for the relief of Garabed Papazian, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GARABED PAPAZIAN, BENEFICIARY OF S. 2329

Garabed Papazian is a native of Turkey, of doubtful nationality, who was born on February 12, 1923, in Istanbul. He last resided abroad in Beirut, Lebanon, and presently lives in Cambridge, Mass. His only entry into the United States was at New York, N. Y., on October 31, 1951, at which time he was admitted as a student until October 30, 1952, to attend Philadelphia Divinity School, Philadelphia, Pa. In June 1952 he transferred to Episcopal Theological School, Cambridge, Mass., and is presently in the second year of a 3-year course for a bachelor of divinity degree. He applied for an extension of his temporary stay in the United States but this could not be granted as the Palestinian passport issued to him by the British Government on March 17, 1948, was not valid for the time required in order to grant an extension, and he could not get it extended or obtain a valid travel document from any country. Deportation proceedings were instituted against the beneficiary on September 1, 1953, on the ground that he is a student who has remained in the United States longer than permitted. A hearing in deportation proceedings has been given him, but no decision has as yet been made.

Mr. Papazian is unmarried and there is no one in the United States dependent upon him for support. His only relatives are cousins who reside in France. His father and mother died when he was about 6 years of age, and he was then placed in an orphanage in Istanbul where he remained until 1935. In 1935 he was sent to the Armenian Theological Seminary in Jerusalem where he studied for a religious education until 1940. From 1940 to 1948 he was engaged in business in Haifa, Palestine. In 1948 he entered a theological school in Beirut, Lebanon, and after studying for 1 year he taught in this school until coming to the United States in 1951. He is being supported by the New York diocese of the Armenian Church, and acts as a guest pastor at several churches in Greater Boston for which he receives a nominal fee. During the summer vacation of 1952 he was employed in the office of the Armenian diocese in New York, but received no salary other than his expenses. He has no assets.

Senator Joseph C. O'Mahoney is the sponsor of the instant bill. The late Senator Lester C. Hunt, the author of the bill (S. 2329), submitted the following information in connection with the case:

APRIL 14, 1954.

This is the Reverend Garabed Papazian's problem:

He was issued a British Palestine passport on March 17, 1948, in Jerusalem (No. 265957), to be renewed March 17, 1953. He entered the United States on October 31, 1951, to commence studies on a visitor's permit (No. T.2466878) which he obtained in Beirut, Lebanon. Once in the United States he went directly to the Philadelphia Divinity School (Episcopalian) where he studied until June 1952. In September 1952 he began his studies at the Episcopal Theological School in Cambridge.

As a student now at this school, Garabed is sponsored by the archbishop of the Armenian Church in the United States—Archbishop Tiran Norsoyan. The Armenian Church makes a practice of inviting theological scholars to this country to study at Episcopal seminaries.

Garabed came to the United States on a British Palestinian passport which was to be renewed March 17, 1953. When he tried to renew it he was told that:

(*a*) Palestine, where his passport was issued to him as a citizen, had been divided between the Kingdom of Jordan and the Republic of Israel. The British authority had removed itself and Palestine no longer existed as a country. Thus when he went to renew his passport, they refused to do it saying they no longer had jurisdiction there.

(*b*) He then went to the Jordan Embassy to have his passport renewed and again was refused because on December 20, 1949, when the change in Palestine was made, he was in Beirut, Lebanon (teaching school). Since he did not reside in Jordan at the time of this change he was denied citizenship.

(*c*) The Embassy of Israel will not give Garabed citizenship nor will they renew his passport because his place of residence while in Palestine was in the Jordan section of Jerusalem. He had no immediate family living. Lebanon refuses to grant him a passport because they have no jurisdiction over Jerusalem.

(*d*) The United States will not renew his visa until he has his passport renewed. This makes it impossible for him to continue his studies because no one will renew his passport. Further, not being a citizen of this country, he is being forced to leave the United States without having any country to which he can go.

Naturally, Garabed would like to remain in this country to finish his course of education and then be received into the Armenian Church. At present, he is a student in good standing and is assisting at St. James' Armenian Apostolic Orthodox Church in Watertown, Mass.

Senators John F. Kennedy and Margaret Chase Smith submitted to the Senate Committee on the Judiciary the following letters with reference to the bill:

CAMBRIDGE, MASS., *April 9, 1954.*

Senator JOHN KENNEDY,
Senate Office Building, Washington, D. C.

DEAR SENATOR KENNEDY: I am writing to inquire about the status of Senate bill 2329, which was introduced early in the present session of Congress, I believe, by Senator Hunt, and subsequently referred to the Judiciary Committee.

The bill was a private one to grant permanent residence to the Reverend Garabed Papazian. Reverend Papazian originally came to this country, under the sponsorship of Archbishop Tiran Norsoyan, head of the Armenian Church in this country, to study theology under a British-Palestinian passport. He arrived here in 1951, spent a year in study at Philadelphia Divinity School, and since September 1952 has continued his studies at the Episcopal Theological School in Cambridge, where I came to know him personally.

The division of the old Palestine between Israel and Jordan has created the problem for Reverend Papazian of being unable to secure either a renewal of his original passport or a new passport. Jordan denies him citizenship because he was in Lebanon, teaching, at the time of the partition, while Israel refuses him citizenship because his residence was in the Jordan part of Palestine. The British authorities who had granted him his passport in 1948, of course, since the partition have no grounds to renew it.

Under these circumstances he cannot secure a proper renewal visa from the United States.

As I understand it, unless some special provision is made for him he will be deported from this country, but have no place to go, at least in the former Palestine area, where he can secure citizenship.

I believe that the circumstances of his case are such that permanent residence should be granted him in this country, so that he can complete his theological studies and then serve the Armenian Church, and I am anxious to know what the present status of the bill which Senator Hunt introduced to relieve Reverend Papazian is.

Sincerely yours,

WILLIAM STRINGFELLOW.

LEWISTON, MAINE, *April 28, 1954.*

Mrs. MARGARET CHASE SMITH,
United States Senator from Maine,
Senate Office Building, Washington, D. C.

DEAR SENATOR SMITH: There has never been an occasion before this that I felt compelled to write to the Maine delegation at Congress, so I hope you will consider this request just as important as I do.

This matter concerns a man now without a country, the Reverend Garabed Papazian. The enclosed pages explain his predicament and the bill which is now pending, introduced by Senator Hunt from Wyoming.

I believe you are on the Judiciary Committee, so I ask you to understand the facts and recommend "ought to pass." If further information regarding this matter is needed or if the rest of the Maine delegation should be notified, I would appreciate your advising me so that I may do further work in the interest of this young man.

Your efforts will certainly be appreciated by Episcopal churchmen all over Maine and the Nation to allow this worthy, sincere young man to finish his religious training, so to help others to become better citizens.

Please take the time to become acquainted with this situation. You can be sure your efforts will be appreciated.

Very truly yours,

CHARLES H. BARNES.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1521) should be enacted.

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MAY 16 1955
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Calendar No. 290

84TH CONGRESS, 1st Session | SENATE | REPORT No. 283

CONSTANTINOS PANTERMALIS

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1581]

The Committee on the Judiciary, to which was referred the bill (S. 1581), for the relief of Constantinos Pantermalis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Constantinos Pantermalis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 46-year-old native of Turkey and citizen of Greece who last entered the United States as a seaman on June 16, 1948. He stated that during the last war he sailed on American boats delivering war material to the Allies. His mother and family reside in Argentine and he is presently employed as an electrician by a company in New York City.

A letter, with attached memorandum, dated December 10, 1953 to the then chairman of the Senate Committee on the Judiciary from the Acting Commissioner of the Immigration and Naturalization Service with reference to S. 1622 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

DECEMBER 10, 1953.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary, United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1622) for the relief of Constantinos Pantermalis, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

Mr. Pantermalis is chargeable to the quota of Turkey.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING CONSTANTINOS PANTERMALIS, BENEFICIARY OF S. 1622

Constantinos (or Costas) Pantermalis, a native of Turkey and citizen of Greece, was born on July 30, 1908. He arrived in the United States on June 16, 1948, at the port of New York as a member of the crew of the Steamship *Santa Paula*. Deportation proceedings were instituted against him on October 18, 1951, on the charges that after his admission as a seaman he has remained in the United States for a longer time than permitted by law and that at the time of entry he was an immigrant not in possession of a valid immigration visa. After a number of hearings and appeals the alien was granted the privilege of departing voluntarily by April 27, 1953.

Mr. Pantermalis resides in New York City, where he is employed as an electrician by the Joseph Zuckerbraun Co. at $68 a week. He stated that he has about $4,300 in savings.

The alien stated that during the last war he sailed on American boats delivering war material to the Allies. He is not married and his mother and family reside in Argentina. He advised that he was also admitted to that country for permanent residence, but that he does not desire to live there.

Senator Herman Welker, the author of the bill, has submitted the following information in connection with the case:

MEMORANDUM RE CONSTANTINOS PANTERMALIS

FACTS

Alien is a seaman born in 1908 in Kios, Turkey, of Greek parentage. At the end of the First World War he and his family were ousted from Turkish territory. As Greek citizens they were compelled to go back to the mainland of Greece and since they had no ties, the family separated and became wanderers from country to country.

In 1924 mother and father went to Argentina. Father died in Argentina. The alien worked for an American company in Argentina, namely, International Telephone & Telegraph Co., as an electrician from 1924 to 1934. In 1934 he became a merchant seaman and sailed first on Argentine ships and then on Greek ships. He sailed on Allied ships from 1940 to 1943.

In 1943 he became part of the Allied pool of seamen and he then was employed on American ships. Under the supervision of the War Shipping Administration he was present on American ships and delivered supplies to American soldiers on the Anzio Beach.

He continued working on American ships until June 1948.

During this time he established a home in the United States and has always regarded the United States as his permanent residence.

He received from the President of the United States a certificate of merit for having served the United States patriotically during the war period. He also received a certificate of continued service which proved he was on American ships from 1944 to June 1948.

In 1948 there were no jobs to be had and since alien seamen were not permitted to sail on American ships any longer he was compelled to remain ashore in violation of the immigration law.

IMMIGRATION PROCEEDINGS

The alien was served with a warrant of arrest on October of 1951 and charged with violation of the Immigration Act of 1924 in that after admission as a seaman he had remained in the United States for a longer time than permitted under the act or regulations made therewith.

The alien posted $1,000 bond and asked for relief of either voluntary departure and/or preexamination on the ground that he had actually lived in the United States for a period of 7 years, namely, 1944 to the time of the hearing.

DECISION

Because the alien is not married and has no close ties other than aunts and uncles in the United States the decision was that he should be deported.

However, the Board of Immigration Appeals has granted him the right to leave voluntarily by April 27, 1953.

Proposal that a private bill be introduced to adjust the immigration status of Constantinos Pantermalis, on the ground that he has actually lived in the United States for a period of 7 years; that he has served the United States during the wartime period; that while he has no close ties in the United States, neither does he have any close ties elsewhere in the world; that he is indeed a displaced person in the broad sense of the word.

CONCLUSION

Constantinos Pantermalis is one of the little people in this country of ours who wanted desperately to become an American citizen and to continue serving in the United States merchant marine until he had the required time of service. However, a change in the law which made it impossible for him to continue serving as a merchant seaman has made it impossible for him to complete his time even under the new McCarran Act.

The examiners make much of the question that the alien is without ties but the alien has been reluctant to marry until his own status is clarified.

Like many merchant seamen he regards the United States as his home and is very reluctant to go anywhere else since all of his friends are within the United States.

The alien is now employed as an electrician and has the finest recommendations possible for an individual. He has no adverse statements in his record. He has excellent references and is well regarded by his neighbors and friends.

NEW YORK, N. Y., *March 26, 1954.*

Re Constantino Pantermalis, S. 1622.

Hon. HERMAN WELKER,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR WELKER: Thank you for your letter of March 12 relating to the above-mentioned alien.

I am herewith giving the information called for:

Date and place of birth: July 30, 1908, Kios (then Turkey, now Greece).

Full names of parents: Father, Fotios Pantermalis; mother, Elena Stiecopoulos.

Date and place of entry into the United States: May 1944, New York City, on the steamship *San Venarcio* as a member of the crew. Since that time he shipped as a seaman on American ships and had no departures from this country, except in the course of employment as a seaman. The last trip on an American ship brought him to New York on June 17, 1948, on the *Santa Paula* (Grace Lines) port of entry, New York.

Present and former addresses in the United States: present, 503 East 73d Street, New York City; from 1952 to 1953, 148 Eighth Avenue, New York City; from March 1948 to 1952, 209 East 40th Street, New York City; from 1945 to 1948, seaman, Y. M. C. A. between trips, 1944 to 1945.

Occupation and employer: Electrician, Joseph Zucker Braun Co., 65 Prince Street, New York City.
Length of time in present position: 3 years.
Thank you so much for your kindness and courtesy.
I look forward to an early disposition of this matter.
Very truly yours,

BELLA V. DODD,
Attorney at Law.

The committee, after considerabtion of all the facts in the case, is of the opinion that the bill (S. 1581) should be enacted.

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Calendar No. 291

84TH CONGRESS, 1st Session } SENATE { REPORT No. 284

MAY 10 1955
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ELISEU JOAQUIM BOA

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1654]

The Committee on the Judiciary, to which was referred the bill (S. 1654) for the relief of Eliseu Joaquim Boa, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Eliseu Joaquim Boa. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill has been drafted in accordance with the suggestion contained in the report of the Acting Commissioner of Immigration and Naturalization.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Portugal who last entered the United States as a visitor on July 29, 1948. Although he arrived here as a visitor, his intention was to get married and remain here permanently. He is married to a lawful resident alien and they have two minor United States citizen children, all of whom are dependent upon the beneficiary of the bill.

A letter, with attached memorandum, dated May 29, 1953, to the then chairman of the Senate Committee on the Judiciary from the Acting Commissioner of Immigration and Naturalization with reference to S. 1062 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

MAY 29, 1953.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1062) for the relief of Eliseu Joaquim Boa, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee and head tax, although the Immigration and Nationality Act does not require the payment of a head tax. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Portugal which is oversubscribed. However, as the husband of an alien lawfully admitted to the United States for permanent residence, Mr. Boa may qualify for a preference under section 203 (a) (3) of the Immigration and Nationality Act.

Mr. Boa has been found subject to deportation on the grounds: (1) that at the time of his entry into the United States he was an immigrant not in possession of the required immigration visa; and (2) that he admits having committed a crime involving moral turpitude prior to entry, to wit, perjury. If the committee determines to recommend the granting of permanent residence to the alien, it is suggested that the bill be amended by inserting the following provisions immediately preceding the last sentence:

"The Attorney General is authorized and directed to cancel the deportation proceeding heretofore instituted against Eliseu Joaquim Boa as well as the order and warrant of deportation issued therein; and the said Eliseu Joaquim Boa shall not hereafter be subject to exclusion or deportation from the United States by reason of the same facts upon which the outstanding order and warrant of deportation were issued."

Sincerely,

——— ———, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELISEU JOAQUIM BOA, BENEFICIARY OF S. 1062

Eliseu Joaquim Boa, a native and citizen of Portugal, was born on March 6, 1926. He entered the United States at the port of New York on July 29, 1948, and was admitted as a visitor under bond in the amount of $500, to remain until October 25, 1948. On December 1, 1948, he voluntarily submitted himself to deportation proceedings and applied for suspension of deportation on the ground that his departure would result in serious economic detriment to his wife, a lawful permanent resident of the United States. A warrant of arrest in deportation proceedings was issued on March 11, 1949. He was found to be deportable on charges that, at the time of entry, he was an immigrant not in possession of a valid immigration visa and that he admitted having committed a crime involving moral turpitude prior to entry into the United States, namely, perjury. He was further found not to be eligible for discretionary relief because of his commission of the crime of perjury. His appeal to the Board of Immigration Appeals was dismissed on August 7, 1951.

The alien has lived in Danbury, Conn., since his entry into the United States. He was married in that city on October 9, 1948, to Miss Maria Amaral, a native and citizen of Portugal, whom he had known in that country. She had been admitted to the United States for permanent residence on March 24, 1948. Daughters were born of this marriage, one on August 2, 1949, and one on May 1, 1951.

In his application for a nonimmigrant visa, executed at the American Embassy, Lisbon, Portugal, on July 14, 1948, the alien stated under oath that his purpose in coming to the United States was to make a "business and visit trip" and that he intended to stay 4 months. He had previously obtained, on July 10, 1948, a certificate from his parish priest stating that no canonical impediment existed to his marriage to Maria Amaral, then residing in the United States of America. At the hearing in deportation proceedings, the alien testified that, due to the condition of the quota for Portugal, he knew he would be able to obtain only a visitor's visa, although he intended to marry and remain permanently in the United States. He admitted that he had knowingly made false statements under oath for the purpose of gaining admission to the United States as a visitor.

Mr. Boa's employment since August 1948 has been almost entirely with the Bernard J. Dolan Co. of Bethel, Conn. His salary as a laborer averages $82.50

a week. He values his furniture and other effects at approximately $800. He has paid $500 to his father-in-law as reimbursement for the bond which the latter furnished at the time the alien entered the United States.

Mr. Boa and his wife and their two American-born children reside in Danbury, Conn., in the second-floor apartment of a two-family home owned by his father-in-law. He has no other relatives in the United States. His mother, 4 brothers, and 3 sisters reside in Portugal.

A similar bill, S. 2126 was introduced in the 82d Congress for the relief of the same individual. Senator Prescott Bush reintroduced the legislation in the 83d Congress (S. 1062) and is also the sponsor of the instant bill. In connection with the bill introduced in the 82d Congress, the following information was submitted in support of the bill:

THE DIOCESAN BUREAU OF SOCIAL SERVICE,
Danbury, Conn., November 27, 1951.

Hon. BRIEN MCMAHON,
Senate Office Building, Washington, D. C.

DEAR SENATOR MCMAHON: We are submitting herewith, as required by the Senate Judiciary Committee, information in connection with the private relief bill which you introduced in the Senate for Mr. Eliseu J. Boa, of Danbury.

(1) The circumstances surrounding the entry of the above-mentioned person to the United States is covered in our letter to you of September 7, 1950, a copy of which we are enclosing.

(2) Present activities of Eliseu J. Boa: Mr. Boa lives with his wife and two children: a girl, born August 2, 1949, and a boy, born May 1, 1951, at 9 Comstock Street, Danbury, Conn. He maintains a substantial home and is taking excellent care of his family. He is a member in good standing in St. Peter's Roman Catholic Church. He is also a member of the Portuguese-American Club of Danbury and, as such, is held in high esteem.

(3) Work record of Eliseu J. Boa: Mr. Boa has been in the employ of Bernard J. Dolan, contractor, of Bethel, Conn., during the latter part of 1950 through the present date. During this period, he earned $3,125.63. He has been a very faithful and conscientious worker. See letter from his employer attached.

(4 and 5) Mr. Joseph F. Perry, sheriff of the city of Danbury, vouches for the moral character of Mr. Boa and states, over his signature, that the man does not participate in any political activities which might be injurious to the American public interest. "With the exception of a minor motor-vehicle violation, on August 1, 1951, he has never been convicted of any offense under any Federal or State law."

Mr. Frank W. Molinaro, probation officer of the city court of Danbury, has known Mr. Boa for 3 years and considers him a good husband and father. He is personally interested in the Boa family and most respectfully solicits your interest.

To Mr. Molinaro's recommendation, we would add our special request for such assistance as it may be within your power to give this young couple and their American-born children.

Our Bureau is most appreciative of your interest in this case. We realize the many demands upon your time and we are deeply indebted to you for the kind and courteous consideration which you have given it.

I personally am grateful to you.

Respectfully yours,

(MRS.) MABEL L. GOODMAN,
District Secretary.

SEPTEMBER 7, 1951.

Hon. BRIEN MCMAHON,
Senate Office Building, Washington, D. C.

DEAR SENATOR MCMAHON: I am taking the liberty of writing you to seek your help for one Eliseu Joaquim Boa, of 9 Comstock Street, Danbury, Conn. who is in serious difficulty with the immigration authorities.

Mr. Boa, a native and citizen of Portugal, was admitted to the United States in July 1948 as a temporary visitor for business. However, despite the form of his visa, he married, on October 9, 1948, a Portugese citizen who is now a legal resident of the United States and who has filed first papers for citizenship.

Couple reside in Danbury and have two children, a girl born August 2, 1949, and a boy born May 1, 1951. Since their marriage, couple have maintained a substantial home, have conducted themselves in a very satisfactoy manner and have taken excellent care of their children. Our Bureau is seeking your help to prevent Mr. Boa's deportation so as to avoid the breaking up of this very promising family. Mr. Boa is not eligible for discretionary relief under the immigration laws because he stated, under oath, on his application for a visa in Portugal and later to the immigration officials in this country that he desired to come to America on business, whereas it later appeared that his actual purpose in coming to America was to get married and to remain permanently in this country. This perjury places him within the classes of persons not entitled to suspicion of deportation nor entitled to enter the United States under an immigration visa for permanent residence. A final order has been entered by Acting Chairman of the Board of Immigration on Appeals for his deportation.

From our observation, we feel that this act of perjury, admittedly a serious offense, is not as bad, in fact, as it appears on the record. Mr. Boa appeared without counsel at the preliminary immigration hearing under the warrant for his arrest. He was apparently very confused and bewildered by the entire proceeding. His language difficulty, coupled with his natural timidity, made it very difficult for him to explain his case in a way favorable to him.

We have been in contact with Mr. T. F. Mulholland of the National Catholic Welfare Conference and have been advised that relief may be sought for Mr. Boa by the introduction of a private bill into Congress in his behalf.

We sincerely believe that this case is worthy of such consideration as you may find it within your power to give and we feel certain that if this admitted violation of the law can be overlooked for the sake of the wife and the American-born children that there will never be any reason to regret your effort in his behalf.

We are enclosing marriage certificate, the birth records of the children, and decision of the hearing examiner.

Our bureau will be most appreciative of your courtesy and cooperation and may I add my personal expression of gratitude for your interest in this case.

Respectfully yours,

(Mrs.) MABEL L. GODMAN,
District Secretary.

BERNARD J. DOLAN, CONTRACTOR,
Bethel, Conn., November 10, 1951.

To Whom It May Concern:

This is to certify that Mr. Eliseu J. Boa, Social Security No. 046–24–6808, has been in my employ during the latter part of 1950 through this present date.

During this time, he has earned $3,125.63. His average weekly wage is $85.50 per 6-day week.

He has been a very faithful and conscientious worker.

Respectfully submitted.

BERNARD J. DOLAN,
Per WILLIS H. HARRIS.

CITY OF DANBURY,
OFFICE OF THE CITY CLERK,
Danbury, Conn., November 14, 1951.

To Whom It May Concern:

This is to certify that I have known Mr. Elisieu J. Boa, of 9 Comstock Street, Danbury, Conn., since 1948, and I know him to be a hard-working, industrious young man of good moral character. He does not participate in any political activities or otherwise which may be injurious to the American public interests.

With the exception of a minor motor-vehicle violation on August 1, 1951, he has never been convicted of any offense under any Federal or State law.

Very truly yours,

JOSEPH F. PERRY,
Sheriff of the City of Danbury.

DEPARTMENT OF POLICE,
Danbury, Conn., November 8, 1951.

To Whom It May Concern:

This is to state that according to the records of this department, Elisieu J. Boa has only been arrested on one occasion and that was for a traffic violation on August 1, 1951.

JAMES J. WHITLOCK,
Detective Sergeant.

CITY COURT OF DANBURY,
Danbury, Conn., November 10, 1951.

To Whom It May Concern:

I have known Mr. Eliseu J. Boa, of 9 Comstock Street, Danbury, Conn., for period of 3 years. He is a conscientious employee of Bernard J. Dolan concern of Bethel, Conn. He is a good member of St. Peter's Church of Danbury and a highly regarded member of the Portuguese-American Club of Danbury. His time is well taken up by his work, his family consisting of a wife and two children, and occasionally visits the clubrooms of the Portuguese-American Club.

Mr. Boa, in my estimation, is a hard-working young man and of good moral character, and I would, therefore, recommend him for your consideration.

Very truly yours,

FRANK W. MOLINARO,
Probation Officer.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1654) should be enacted.

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Calendar No. 292

84TH CONGRESS, 1st Session } SENATE { REPORT No. 285

MAY 16 1955
LAW LIBRARY

GEORGE PAUL KHOURI

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1705]

The Committee on the Judiciary, to which was referred the bill (S. 1705) for the relief of George Paul Khouri, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to George P. Khouri. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old British subject who was born in Lebanon. He is a resident of Jamaica, British West Indies, and has been in the United States for about 8 out of the last 10 years attending school. He has received his bachelor of arts degree from Holy Cross College and his bachelor of law degree from Boston College Law School.

A letter, with attached memorandum, dated March 27, 1953, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 743 which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

MARCH 27, 1953.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 743) for the relief of George P. Khouri, there is

annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also would direct that one number be deducted from the appropriate immigration quota.

The quota for Lebanon to which the alien is chargeable is oversubscribed and an immigrant visa is not readily obtainable.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE P. KHOURI, BENEFICIARY OF S. 743

The alien was born in Lebanon on May 4, 1925, but claims to be a British subject through his father. He last arrived in the United States at Miami, Fla., on September 15, 1948, when he as admitted as a student until September 14, 1949. He was in possession of a British passport which had been revalidated to expire on October 25, 1953. Mr. Khouri has been granted two extensions of stay, the last of which expired on September 15, 1951. A warrant for his arrest in deportation proceedings was issued on May 26, 1952, charging that, after admission as a student he has remained in the United States for a longer time than permitted.

Mr. Khouri first entered the United States in June 1928, when he was admitted in transit to Jamaica, British West Indies. He again entered the United States during May 1943, when he was admitted as a student to attend the College of the Holy Cross at Worcester, Mass. He attended that college from November 1943 until June 1946, when he received his bachelor of arts degree. In September 1946, he returned to Jamaica.

Mr. Khouri stated that at the time of his last arrival in the United States he was destined to Boston College Law School where he had been awarded a scholarship. He attended that law school from 1948 until his graduation therefrom in June 1951, when he received a bachelor of laws degree.

Mr. Khouri further stated that he has resided in Jamaica, British West Indies, since 1928, except during the periods 1943 to 1946, and 1948 until the present time. He stated that he has had no military service, as the British did not conscript in Jamaica during World War II.

The alien is not married and there is no one in this country dependent upon him for support. He is presently residing in Boston where he is employed in a department store at a salary of approximately $32 per week. He has one brother in the United States who is a student at Boston College. His mother, 2 brothers, and 2 sisters reside in Jamaica. His father is deceased.

Senator John F. Kennedy, the author of the bill, has submitted the following statement in connection with the case:

The following facts are respectfully submitted in support of petitioner's application for admittance to United States citizenship by special act of Congress:

My father was naturalized a British subject in Jamaica, British West Indies, in 1898. My mother was a citizen of French-mandated Syria, and she took the British citizenship of my father by adoption on her marriage in 1923. I was born on May 4, 1925, in Beirut, Syria. My status from birth has been British subject by birth, through my parents. I have never been a citizen of Syria or any other country. I left Syria with my parents in 1928 at the age of 3 years. I have never since returned there, recognized any allegiance to that country, or maintained any connection of any sort there. En route to Jamaica, British West Indies, where my father was taking his family to resume his domicile, we traveled via United States of America (Boston and New York) where I remained 2 months with my parents on a transit visa. From 1928 until 1943 without interruption, I resided with my family in Kingston, Jamaica, British West Indies. In 1942, I graduated from the American Jesuit High School, St. George's College, of the Jesuit priests of the New England Diocese. During my 5 years at St. George's College under the British secondary school system, besides attaining high scholastic honors and serving as house captain in my senior year, I was also prominent in dramatics, the debating society, elocution (junior and senior medals), sodality, and various sports. In my senior year I was also all-island secondary school elocution champion (ISSA trophy).

On graduation from St. George's College, I founded the Phi Gamma Chi Honorary Society of St. George's College, a group of outstanding and promising graduates under a socio-intellectual charter. I was founding president and remain

honorary president. During my term at St. George's College, I had gained the favor and patronage of the Most Reverend Thomas Emmet, S. J., D. D., Bishop of Jamaica; Very Rev. Thomas Feeney, S. J. (superior of the mission); Very Rev. Walter Ballou, S. J. (headmaster of St. George's College), now superior of the mission, and most of the priests.

In 1943, I was awarded the Jamaica scholarship from St. George's College to Holy Cross College, Worcester, Mass., through the instrumentality of His Lordship, Bishop Emmet and Father Ballou. I entered the United States on October 31, 1943, on British passport No. 126544 under section 4 (E) of the United States immigration laws (student visa) and I attended Holy Cross under the accelerated program from November 1943, until my graduation in June 1946. My scholastic record at Holy Cross was excellent, and I was graduated in the top group of my class. I received the A. B. degree (economics) from the then Governor of Massachusetts, Hon. Maurice Tobin. Despite the curtailment of extracurricular activities at Holy Cross due to war conditions, I was active in the history society, Spanish Academy, sodality, B. J. F. Debating Society, and sanctuary society.

By the time of my graduation from Holy Cross, I had developed a resolute desire to become an American citizen. I inquired about joining the armed services of the United States to this end but was advised I was ineligible. I came to Boston, and from June to September 1946, was in constant attendance at the offices of the Department of Immigration where the officers sought some clause under which I could change my status from student to resident so that I could remain in this country. From the beginning, I was advised that under United States immigration laws as they are, if I were to come in under the quota, it would have to be under the quota of the country in which I was born, Syria. This quota was then and now remains vastly oversubscribed so that under it I could not qualify for admittance to the United States as a resident for a period of from 10 to 15 years. I submitted various forms, applications, and affidavits to the Immigration Office in 1946 which I have retained. I sought at least to be qualified for admittance under the much larger British quota which would entail a wait of only 1 to 2 years, but this was denied. I sought also to be qualified for admittance under the French quota, since Syria was a French mandate at the time of my birth there, and my mother had been a citizen of that country. But this also was denied. Finally, at the expiration of my student visa, I had to leave this country from Miami, Fla., and return to Jamaica on September 29, 1946.

I remained extremely anxious to return to the United States and was never reconciled to the prospect of becoming fixed in Jamaica. Conditions there strengthened my resolution. I encountered difficulty obtaining satisfactory employment because businessmen self-confessedly did not feel justified to employ me at the scale of pay in Jamaica and were not prepared to employ me on a scale commensurate with my qualifications. Finally, I became attached to the firm, R. Hanna & Sons, Ltd., as manager of their department store, Reneo, Ltd. I applied for the Rhodes scholarship in 1947 to study law but was not even granted an interview "because my American A. B. degree is not recognized." The scholarship was awarded to a Jamaican to study Spanish at Oxford University, England.

I consulted the United States vice consul, Mr. Milton Walstrom, and was advised it was practically futile to apply for admittance to the United States under the hopelessly quagmired Syrian quota to which United States immigration laws restricted me for eligibility. For 2 years I chafed under 2 desires: (1) To return to the United States, and (2) to study law, with no prospects of realizing either.

I wrote to the office of the mayor of New York applying for an appointment to teach in New York high schools because I hoped thus to qualify for a professorial visa, as Mr. Vice Consul Walstrom suggested. However, the secretary to the mayor informed me that his office could not assist in the Federal problem of immigration. Next, I wrote to the United Nations. I received a reply from Mr. Gustavo Duran, Chief of the Cultural Activities Section, Department of Social Affairs, that the matter was also out of their jurisdiction. I received a similar discouraging reply from Very Rev. William Healy, S. J., former president of Holy Cross College.

Finally, in February 1948, I was introduced to Very Rev. Arthur Sheehan, S. J., director-general of Jesuit Schools in New England, who was inspecting Jesuit institutions in Jamaica. I appealed to him for help and from subsequent correspondence it developed that I was awarded a scholarship to Boston College Law School by the Reverend William J. Kenealy, S. J., dean, to commence my study of law.

I was readmitted to the United States on September 15, 1948, at Miami, Fla., under section 4 (E) of the United States immigration laws and shortly afterward entered the law school. To assist in my expenses, since September 1948,

I have also been attached to the faculty as part-time instructor in Spanish at Boston College, teaching the intermediate and advanced classes. I received permission from the United States Immigration Office to accept this appointment.

In May 1949, I completed my first year at Boston College Law School with an average of 2.9 in the upper third of my class. I am currently in my second year at the law school.

PETITION

I am most anxious to qualify for American citizenship and permission to remain in this country. I earnestly desire to take my place as a good and worthy citizen. I have entertained this desire since my earliest conscious years. My entire background is essentially American. I have been intimately associated with the American Jesuits in Jamaica since a very early age. Since I was 12 years old I was under their guidance and influence, both in school and out of school. In all those years I think I have acquired substantially the American instincts and views on life and its fundamentals. My studies in America have confirmed this so that my character, socially and educationally, is thoroughly Americanized. At any rate, I have associated with Americans practically all my life, and I have been so molded by them that I am now not happy or satisfied unless I am in their association. My short stay in Jamaica after graduation from Holy Cross proved this to me clearly.

In Jamaica I realized that the privilege of my American education and degree which I treasured was unappreciated. I had no opportunity to contribute my training to any productive use. Opportunities in general, both economically and socially, were grossly unsatisfactory.

The contrary is true in America. Here I have the opportunity to develop, to learn, to grow and to improve, rather than to stagnate and regress. I feel I have already begun to make my contribution in the privilege that was afforded to me to teach the young men at Boston College. Here my past accomplishments are appreciated, and I receive gratifying appointments commensurate with my ability and qualifications. This inspires deep gratitude in me and inspires me to greater efforts. All the successes and achievements of my life so far I owe to Americans. I would not wish it otherwise, and I would like the opportunity to attempt to repay part of the debt I owe.

Under any circumstances, I am determined eventually to become an American. I may have to wait the full 15 years for the Syrian quota which may mean that in the interim I may have become established elsewhere or at most I will immigrate to this country after my most productive years are over. It is respectfully submitted that it would be more opportune to admit me now at the beginning of my career and in the most productive years of my life during which I can make my greatest contributions—socially, economically, intellectually and religiously.

At present I earnestly aspire to a successful course at Boston College and ultimately a law practice in Boston or Massachusetts tied in with my continued teaching at Boston College. I sincerely desire to marry and settle in Boston.

At present, however, I am not eligible even to take the bar examination under my current alien status, far more to remain here and practice law. And since I could not return to practice law in Jamaica, I am confronted with the prospect that all my present labors may prove futile.

For all these reasons, I hope I may qualify for your liberal consideration, sir, and your intercession in my behalf. I am deeply conscious in my innermost convictions of the privilege of American citizenship. It is the truth that the basis and inspiration of my desire is a strong and clear appreciation of all the principles of equality, of opportunity, of justice and of right on which American citizenship is founded. It is my fervent and sincere hope that I shall be given the opportunity of citizenship to make my contributions to the support and embellishment of those principles as well as the opportunity to enjoy their benefits.

I sincerely hope that this case will qualify me for admittance under that paragraph of the immigration laws which grants admittance to an alien having close relations in this country, etc., and also "in cases of aliens possessing special merit." I respectfully appeal to your liberal judgment, sir, to grant me the privilege of presenting my case before the proper authorities and assisting me to attain the honor I pledge to treasure most highly, my citizenship in the United States of America.

Respectfully submitted.

GEORGE P. KHOURI.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1705) should be enacted.

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Calendar No. 295

84TH CONGRESS, 1st Session } SENATE { REPORT No. 286

MAY 16 1955
LAW LIBRARY

MRS. CONCETTA SACCATTI SALLIANI

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 872]

The Committee on the Judiciary, to which was referred the bill (H. R. 872) for the relief of Mrs. Concetta Saccatti Salliani, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the admission into the United States as a nonquota immigrant of a former citizen of the United States who was expatriated because of the naturalization of her parents in a foreign country.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old citizen of Italy who is married to an Italian citizen. She has two Italian citizen daughters. She was issued a nonquota visa no December 7, 1953, in accordance with the provisions of section 349 (a) (1) of the Immigration and Nationality Act. The termination date of such visa was December 23, 1953, and Mrs. Salliani was prevented from utilizing her visa because of an airline strike.

A letter dated April 27, 1954 from the Director of the Visa Office, Department of State, to the then chairman of the Committee on the Judiciary of the House of Representatives reads as follows:

DEPARTMENT OF STATE,
Washington, April 27, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of April 5, 1954, and its enclosures, wherein you request a report of the facts in the case of Mrs. Concetta Saccatti Salliani, beneficiary of H. R. 8671, 83d Congress, 2d session.

According to a report received from the American consul general at Naples, Italy, Mrs. Salliani was issued a nonquota immigrant visa on December 17, 1953, in order that she might be enabled to apply for admission into the United States prior to December 24, 1953, in compliance with the provisions of section 101 (a) (27) (E) and section 349 (a) (1) of the Immigration and Nationality Act. The consul general at Naples has further reported that due to an airline strike Mrs. Salliani was unable to arrive in the United States before December 24, 1953, and was therefore prevented from taking advantage of the above-cited provisions of law; whereupon she returned to her home in Italy, where she was informed by the American consular officer at Naples that should she obtain permission from the Italian authorities to emigrate from Italy to the United States as a non-preference immigrant she could apply for registration on the waiting list for persons of that category under the Italian quota with a priority as of April 13, 1953, the date on which she applied for registration as an American citizen.

The report further states that Mrs. Salliani was also informed that her brother, Nicola Sachetti, who appears to be an American citizen, might wish to file a petition with the Immigration and Naturalization Service, Department of Justice, to obtain a fourth preference status for her under the Italian quota.

However, since several thousand such petitions have already been field by American citizens in behalf of their relatives in Italy, it is likely that Mrs. Salliani would encounter some delay before a quota number could be allotted for her use.

There is no information available at this time from which it could be ascertained whether Mrs. Salliani would be otherwise eligible to receive a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8671 which was a bill pending in the 83d Congress for the relief of the same person, reads as follows:

AUGUST 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8671) for the relief of Concetta Saccatti Salliani, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill would waive the time limitation of 1 year contained in the second proviso of section 349 (a) (1) of the Immigration and Nationality Act, in order that the beneficiary may, within 6 months after the date of enactment of this act, apply for a visa and be admitted to the United States in accordance with the provisions of section 349 (a) (1) and 101 (a) (27) (E) of the Immigration and Nationality Act (other than such 1-year time limitations), if she is found to be otherwise admissible under the provisions of such act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. CONCETTA SACCATTI SALLIANI, BENEFICIARY OF PRIVATE BILL (H. R. 8671)

Nicola Sacchetti, sponsor, a United States citizen, testified under oath to the following facts concerning the beneficiary and himself:

The sponsor was born September 15, 1929, in Sannicandro di Bari, Italy, and has allegedly derived citizenship by virtue of his father's naturalization in the United States. Mr. Sacchatti completed 3 years of elementary school, and then worked as a farmhand in the vicinity of his birthplace. He resided at No. 30 Arrimondi, Sannicandro di Bari, Italy, until he entered the United States on September 18, 1952, as a United States citizen. Since then he has continouusly resided at 51 Jefferson Street, Newark, N. J., the first 3 months of which he was employed by the Rubel Corp., 250 Badger Avenue, Newark, N. J., and from January 1952 to this date by his uncle Sam Clorizio, 51 Jefferson Street, Newark, N. J. His occupation is truckdriver, earning $75 a week. Sponsor claims savings of $2,300, and an automobile valued at $750, for which he is indebted for $600. He claims no other indebtedness. He resides with his uncle-employer, and is single.

Concetta Saccatti Salliani, beneficiary, was born December 23, 1923, in Sannicandro di Bari, Italy, and is presently a citizen of Italy, residing at Via No. 1 Modugno, Sannicandro di Bari, Italy; and is married to Giusseppe Sallaini, an Italian citizen; and has two daughters, ages 7 and 3, both Italian citizens. The beneficiary had procured a visa for admission to the United States previously, and because on two occasions her travels were halted by transportation strikes, her visa expired.

Sponsor stated that the beneficiary had a grammar school education, was a housewife and not engaged in any political activities. The beneficiary has never resided in the United States and has continuously resided in the town of her birth.

Congressman Hugh J. Addonizio, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the enactment of his bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 872) should be enacted.

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Calendar No. 296

84TH CONGRESS, 1st Session | SENATE | REPORT No. 287

MAY 16 1955
LAW LIBRARY

ALBERTO DAL BELLO AND DINA BRISTOT DAL BELLO

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 876]

The Committee on the Judiciary, to which was referred the bill (H. R. 876) for the relief of Alberto Dal Bello and Dina Bristot Dal Bello, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Alberto Dal Bello and Dina Bristot Dal Bello. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 29-year-old husband and his 34-year-old wife who are natives and citizens of Italy. Alberto Dal Bello last entered the United States on April 13, 1948, at New York and Dina Dal Bello last entered the United States on November 26, 1946, as employees of foreign government officials of the Embassy of Italy, Washington, D. C. They were married in Washington, D. C., on May 21, 1949, and their child, Anna Maria, was born in Washington, D. C., on August 12, 1950.

A letter, with attached memorandum, dated December 9, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 5943 which was a bill pending in the 83d Congress for the relief of the same aliens, reads as follows:

DECEMBER 9, 1953.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5943) for the relief of Alberto Dal Bello, and his wife, Dina Bristot Dal Bello, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that the required numbers be deducted from the appropriate immigration quota or quotas.

As quota immigrants the beneficiaries would be chargeable to the quota of Italy.

Sincerely,

———— ————,
Acting Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALBERTO DAL BELLO, AND HIS WIFE, DINA BRISTOT DAL BELLO, BENEFICIARIES OF H. R. 5943

The beneficiaries reside at 4413 9th Street NW., Washington, D. C. Their last residence abroad was Italy. Alberto Dal Bello was born in Saletto, Padova, Italy, on October 7, 1925, and is a citizen of Italy. Dina Bristot Dal Bello nee Bristot was born in Belluno, Italy, on March 5, 1921, and is a citizen of that country. They were married in Washington, D. C., on May 21, 1949, and this was their only marriage. As a result of the marriage a child, Anna Maria, was born in Washington, D. C., on August 12, 1950. She resides with the beneficiaries.

Alberto Dal Bello arrived in the United States at New York, N. Y., on April 13, 1948. Dina Dal Bello arrived in this country at New York, N. Y., on November 26, 1946. Both were admitted as employees of foreign government officials of the Embassy of Italy, Washington, D. C. They were employed as domestics. They violated their immigration status by remaining in the United States after terminating their exempt status. Mr. Dal Bello terminated his employment in January 1949 and Mrs. Dal Bello in April 1949. They applied for suspension of deportation after being served with warrants of arrest. This Service ordered that the deportation of beneficiaries be suspended under the provisions of section 19 (c) (2) of the Immigration Act of 1917. No action was taken by the Congress on the suspension of deportation cases of the beneficiaries. They are subject to deportation. The failure of Alberto Dal Bello to register under the Selective Service Act of 1948 was brought to the attention of the appropriate Government agency. Prosecution was declined and he was permitted to register on March 20, 1950, local board No. 4, Washington, D. C.

Alberto Dal Bello is presently employed as a cook-waiter with the Wayside Bar and Grill, 1008 East West Highway, Silver Spring, Md., and is earning about $60 per week. He was previously employed as a bricklayer. Dina Dal Bello is not gainfully employed.

The parents and brother of Alberto Dall Bello reside in Mantova, Italy. Mrs. Dal Bello's parents reside in Belluno, Italy. She has a brother and sister living in Italy and a brother in Switzerland.

Congressman Hugh J. Addonizio, the author of the bill, appeared before a subcommittee of the House Committee on the Judiciary and testified in support of his bill as follows:

Mr. Chairman and members of the committee, I am pleased to have this opportunity to testify in behalf of H. R. 876, for the relief of Mr. Alberto Dal Bello and Mrs. Dina Bristot Dal Bello.

Both Mr. and Mrs. Dal Bello came to the United States on diplomatic visas as employees of the Italian Embassy. They remained there until a change in personnel occurred.

They were married in 1949 and a child was born to them in 1950.

Mr. and Mrs. Dal Bello have been in this country since 1948 and 1946, respectively, and have always conducted themselves in an exemplary manner. They are intelligent, hardworking, and law abiding. They are well adjusted to our way of life and are anxious to rear their child as an American citizen.

The Immigration and Naturalization Service recommended suspension of deportation under section 19 (c) (2) of the Immigration Act of 1917, but the Congress failed to act thereon.

In view of their long residence in the United States, the ties they have established in this country, and the hardship that their deportation would cause to them and their child, a native-born American, I respectfully urge your sympathetic consideration of H. R. 876.

In addition, Mr. Addonizio submitted the following letters in support of his bill:

WASHINGTON 5, D. C., *March 9, 1955.*

HOUSE IMMIGRATION SUBCOMMITTEE,
House of Representatives, Washington, D. C.

To Whom It May Concern:

It has been my privilege to know Mr. and Mrs. Alberto Dal Bello for approximately 7 years. I have visited with them at their home and dined with them many times. Their home life is pleasant, serene, and a happy one attributed to the fact that love and devotion prevail.

Mr. Dal Bello has been steadily employed and has adequately provided for his wife and child. Mr. Dal Bello is hard working, industrious, loyal, conscientious and enjoys his work. He is highly respected at his place of employment by his superiors and others about who frequent same.

Mr. Dal Bello attends the church of his choosing regularly with his wife and child. The Dal Bello family are of excellent morals and character. They are highly respected in the community where they reside and by all who know them. They have never been a party to any litigation involving court proceedings, civilly or otherwise.

Mr. Dal Bello attends school and is well versed in our manner of speech. He reads and writes English fluently and is an excellent conversationalist. Mr. Dal Bello and his family are potentially excellent material as citizens of our country should they be granted the privilege of so doing.

Respectfully yours,

JOSEPH D. DI LEO.

SILVER SPRING, MD., *March 9, 1955.*

HOUSE IMMIGRATION SUBCOMMITTEE,
House of Representatives, Washington, D. C.

To Whom It May Concern:

Mr. Alberto Dal Bello and his wife, Dina Bristot, are personally well known to me. I know them to be plain and honest folks who enjoy a high reputation and standing in their community. Their integrity and character are beyond reproach. I know them to be respected and favored by their neighbors.

They have never been involved in any way with our local authorities for the violation of any laws. They both have lead clean and wholesome lives that never contravened either the civil or moral laws.

I have known Mr. Del Bello to be a very hard-working man who has during his stay in this country been gainfully employed. He has earned a livelihood for his family since the date of their marriage and has never been a charge to any person or persons. Mrs. Dal Bello has been equally diligent in the discharge or her duties as a wife and mother. She has been an excellent homemaker for her husband and child and an ideal influence on morals and education of her child.

Yours very truly,

LAWRENCE L. JAYSE,
Vice President, East West Motors, Inc.

SILVER SPRING, MD., *March 9, 1955.*

HOUSE IMMIGRATION SUBCOMMITTEE.
House of Representatives, Washington, D. C.

To Whom It May Concern:

I have been a personal friend of Mr. Alberto Dal Bello and Mrs. Dina Bristot Dal Bello for the past several years. During my association with the Dal Bellos I have always found them to be forthright and honest people. I know that they enjoy a high reputation in the community in which they reside.

They have never to my knowledge been arrested for any grievance and have always conducted themselves in a law-abiding manner. They have never been sued civily for any reason whatever.

Mr. Dal Bello has during his entire stay in this country supported himself and his wife and child. He is industrious and hardworking. He has never allowed himself or his family to become a public charge. Mrs. Dal Bello has during her entire marriage conducted herself as a devoted housewife and mother. The Dal Bello home is run and managed in a very orderly fashion. They are simple, earnest and religious family.

Very truly yours,

ORIVELLA'S WAYSIDE BAR AND GRILL,
SAMUEL ORIVELLA.

WEST MORELAND HILLS, MD., *March 9, 1955.*

HOUSE IMMIGRATION SUBCOMMITTEE,
House of Representatives, Washington, D. C.

To Whom It May Concern:

I have known Mrs. and Mrs. Alberto Dal Bello for several years. They have always impressed me as being honest and straightforward people. Their character and reputation is unimpeachable as they lead a quiet and sedate life. They are respected members of the community in which they reside.

Mr. Dal Bello has been a breadwinner for his family since the date of his marriage. He has always adequately provided for his wife and child as well as for himself. He has proven himself to be a conscientious and hard-working husband and father. The Dal Bellos have never had occasion to resort to the relief rolls or other forms of charity. Mrs. Dal Bello has during this time expertly managed the Dal Bello household. She also has proven herself to be a loyal wife and mother.

The Dal Bellos have never during their stay in this country run afoul of the law. They have never been arrested or charged with any violation of our law. Similarly, they have a clean slate as respects civil suits.

I feel that they are a decided credit to the community.

Respectfully submitted.

FERDINAND H. MISTRETTA, M. D.

The committee, after consideration of all the facts in the case, if of the opinion that the bill (H. R. 876) should be enacted.

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Calendar No. 297

84TH CONGRESS, 1st Session | SENATE | REPORT No. 288

MAY 16 1955
LAW LIBRARY

GABRIELLA SARDO

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 881]

The Committee on the Judiciary, to which was referred the bill (H. R. 881) for the relief of Gabriella Sardo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child of a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of this bill, Gabriella Sardo, is a 12-year-old Italian child born out of wedlock. Mr. William Sardo, a native-born citizen of the United States and the natural father of the beneficiary of this bill, filed a visa petition in his daughter's behalf which was not approved in view of the fact that regulations promulgated by the Department of Justice under the Immigration and Nationality Act provide that a child, within the meaning of section 101 (a) (27) (A), must be a legitimate child. In 1945, Mr. Sardo endeavored to confer a legitimate status upon his daughter. However, article 194 of the Italian Civil Code provides that legitimation of children can be effected only through subsequent marriage of their parents or by royal decree.

The pertinent facts in this case were submitted to the Committee on the Judiciary of the House of Representatives by Congressman James C. Auchincloss, the author of the bill (H. R. 9844) which was

a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, and are contained in the following letters from the Departments of State and Justice to the father of the beneficiary of the bill as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
BOARD OF IMMIGRATION APPEALS,
Washington, January 19, 1948.

In re William Sardo. File No. VP–368226.

MR. WILLIAM SARDO,
New York, N. Y.

MY DEAR MR. SARDO: Enclosed is a copy of the order of the Board in the above case.

Sincerely yours,

THOS. G. FINUCANE, *Chairman.*

JANUARY 16, 1948.

VP–368226.
In re visa petition of William Sardo.
In behalf of petitioner: No one.

Petitioner, a native-born citizen of the United States, has filed a petition for the issuance of an immigration visa on behalf of his wife, Mary Cannizzare, and his alleged daughter, Gabriella Sardo. No question arises as to the petition on behalf of his wife. This petition will be approved for a nonquota status. The question under consideration is whether the alleged daughter may be considered the lawful child of the petitioner within the purview of section 4 (a) of the Immigration Act of 1924 for the purpose of said visa petition.

The petitioner was born at New York City on June 2, 1913. He resided in Italy from 1918 until his return to the United States on July 16, 1946. He married Mary Cannizzare on December 5, 1945. The record indicates that he was never previously married.

The petitioner has submitted a birth certificate showing the birth of his alleged daughter, Gabriella Sardo, born in Italy on March 4, 1943, the natural daughter of Sardo Guglielmo and Barina Pierina. The affidavit sets forth that his child is the legitimized daughter of the petitioner. In support of this allegation there has been submitted a document entitled "Recognition of Natural Daughter," showing that on November 28 (1945) the petitioner appeared before a notary public in Messina, Italy, and acknowledged that he was the father of the child born on March 4, 1943, named Barina Gabriella, daughter of Barina Pierina, and recognized her as his own natural daughter. (Although the year of this act appears as 1946 in several places on the document, in view of the fact that the document is stated to have been registered at Messina, Italy, on December 13, 1945, and in view of the fact that the petitioner returned to the United States on July 16, 1946, it is apparent that the correct year of the recognition of paternity is 1945 and that there has been a typographical error in said document.)

The Commissioner in an opinion dated July 23, 1947, finds that at the time the legitimating act took place, petitioner's domicile was in Italy and that under article 194 of the Italian Civil Code legitimation of children can be effected only through subsequent marriage of their parents or by royal decree. This Board has been informed that a new civil code was enacted in Italy practically on the eve of liberation by the armies of the Allied Powers. This code was promulgated on March 16, 1942, and beginning with April 21, 1942, superseded the code previously in force. The new code remained in effect after the liberation with only a few changes.[1]

The Italian Civil Code since April 21, 1942, provides two methods for giving a child born out of wedlock a status similar to that of a legitimate child. One method technically called legitimation by subsequent marriage or royal decree, "attributes to the child born out of wedlock the character of a legitimate child" in all respects. Another method, which is called acknowledgment, conveys upon the acknowledged child a status similar to that of legitimate children, but such children may not be treated in a will more favorably than the legitimate children. The pertinent provisions of the new code are found in Book I on Persons, title 7, chapter 2, articles 250–277. Article 250 reads as follows:

"The natural child may be acknowledged by the father and mother either jointly or separately.

[1] See Gsovski and Giantureo, Italian Legal Codes on the Eve of Allied Invasion, the Library of Congress Quarterly Journal of Current Acquisitions, vol. 1 (1944), No. 2, p. 46.

"An acknowledgment cannot be made by the father who has not reached 18 years of age or by a mother who has not reached 14 years of age, unless such acknowledgment is made in conjunction with their marriage." [1]

Articles 254–277 relate to the formalities to be complied with in connection with acknowledgment, the effects of acknowledgment, the parents' authority, the duties of the parents toward the child, the judicial declaration of paternity, and the effects of judgment.

Articles 280–284 of the 1942 Italian Civil Code relate to the legitimation of natural children by subsequent marriage and by royal decree. Article 283 reads as follows:

"Children who have been legitimated through subsequent marriage acquire the same rights as legitimate children from the day of marriage, if such children have been acknowledged by both parents in the marriage contract or before; or from the day of the acknowledgment, if the acknowledgment has occurred after the marriage. The provisions of article 252, referring to the time from which the effects of acknowledgment are in force when such acknowledgment has been granted through royal decree, are applicable."

This Board in *Matter of Manriquez* (6493934 (majority opinion approved by the Attorney General, December 4, 1947)) considered almost identical statutes of Mexico relating to legitimation and acknowledgment. In that case a matter of citizenship was involved under section 205 of the Nationality Act of 1940, which confers retroactive United States citizenship on certain illegitimate children born abroad. The evidence established that the appellant Manriquez had been acknowledged by his parents in accordance with Mexican law. His parents never married. His mother was a native born United States citizen. A majority of the Board found and the Attorney General approved that the paternity of the appellant was not established during minority by legitimation within the meaning of section 205 because under Mexican law there is a clear distinction between legitimation and acknowledgment. Accordingly, Manriquez acquired United States nationality through his citizen mother under the second paragraph of section 205 of the Nationality Act.

The status of legitimation is created by the laws of the father's domicile at the time the legitimating act took place (32 Op. A. G. 162, 1920). We are of the opinion that Italian law in like manner draws a clear distinction between legitimation and acknowledgment of paternity. A child born out of wedlock in Italy acquires substantially the same rights and status whether he be acknowledged or legitimated. On the other hand, it is obvious from a careful study of these several sections of the Italian Code that acknowledgment is not considered legitimation. For instance, an acknowledged child cannot inherit more than a legitimate child. We find, therefore, that the acknowledgment of the paternity of the daughter beneficiary by the putative father does not amount to legitimation under the Italian Civil Code of 1942. The visa petition in so far as it relates to the daughter beneficiary will be denied.

Order.—It is directed that the visa petition so far as it relates to the daughter beneficiary be and the same is hereby denied.

———— ————, *Chairman.*

[Translation: Italian, June 18, 1952]

No. 13055 of the Archives

RECOGNITION OF NATURAL DAUGHTER

UMBERTO DI SAVOIA, PRINCE OF PIEMONTE, GOVERNOR GENERAL OF THE KINGDOM

In the year one thousand nine hundred forty-five on the 28th day of the month of November in Messina in my office at via Camiciotti No. 97—

Before me, Dr. Giuseppe Saija, son of the deceased Francesco, a notary with residence in Messina, registered with the Notarial College of the District of Messina and without any witnesses being present, whom the herein-mentioned deponent at the beginning declared with my consent to dispense with.

Appeared: Mr. Sardo Guglielmo, son of Giovambattista Cesare, born in New York, with the name of William, domiciled in Messina, via Giacomo Macri

[1] Translation from Guido Pignatelli and John W. Brabner-Smith, Italian Civil Code (1944). Also Army Service Forces Manual M 353-3A, Civil Affairs Handbook, Italy, Section 3A: Italian Code, Headquarters, Army Service Forces. May 9, 1944, Book I, pp. 53–60; Book II, pp. 21–22, 36.

Isolato 185, manufacturer, of whose personal identity, I, the notary, am certain. The said deponent by virtue of this document, declares to be the father of the girl born in Motta Camastra on the 4th day of March 1943 and declared to be registered under the name of Barina Gabriella of an unknown father and of Barina Pierina and there being no legal objections, he declares to recognize her as his own natural daughter, stating that he would submit a copy of these presents to the civil authorities of the aforesaid community of Motta Camastra for legal annotation.

Upon my request, as notary, I have received this document, written by my hand on one folio of legal-size paper and covering the entire first page of same with the data recorded therein and I have read same aloud to the deponent who approves it and signs it in conformity.

GUGLIELMO SARDO,
DR. GIUSEPPE SAIJA,
Notary in Messina.

Registered in Messina on the 13th day of December 1945. No. 1855, volume 366 F. 196, public documents—fees, lira 75—the attorney general: Costanza.

This copy is in conformity with its original.

Messina, October 24, 1946.

(Signature of Dr. Giuseppe Saija, notary in Messina.)

[Seal of Dr. Saija.]

Court of Messina: Seen for certification of the signature of Dr. Giuseppe Saija notary of Messina, Messina, October 28, 1946.

———— ————, *Chancellor of Court.*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Palermo, Italy, August 4, 1952.

Mr. WILLIAM SARDO,
Red Bank, N. J.

DEAR SIR: Reference is made to your undated letter regarding the issuance of an American passport to your daughter, Gabriella Sardo, who was born out of wedlock to you and Pierina Barina, Italian citizen, on March 4, 1943, in Motta Cammastra, Italy. Since a marriage ceremony was never performed and recorded between you and Pierina Barina, the consulate general regrets to advise that the proceedings in the Italian court of Messina, Italy, on December 13, 1945, did not legitimatize the child but only recognized her and while she bears your name she never acquired United States citizenship.

It is suggested that you take up with the Immigration and Naturalization Service at 70 Columbus Avenue, New York, the question of your daughter's entry into the United States.

If an approved petition on behalf of Miss Sardo is received by this office, she will be given all possible consideration consistent with the immigration laws and regulations.

It is also suggested that you obtain authoritative information regarding taking your case up in court so that your daughter may be legitimated by adjudication of competent court.

Very truly yours,

MAURICE W. ALTAFFER,
American Consul General.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 23, 1953.

Mr. WILLIAM SARDO,
Red Bank, N. J.

DEAR MR. SARDO: This acknowledges receipt of your letter of April 2, 1953, concerning your desire to bring to the United States Gabriella Sardo, a child born to you out of wedlock on March 4, 1943, and whose mother you have not married.

In order for a United States citizen to be eligible to petition to bring his child to the United States as a nonquota immigrant the child must have been born legitimately or have been legitimated under the law of the child's residence or domicile of under the law of his (the father's) residence or domicile and the legitimation

must have occurred before the child reaches the age of 18 years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation.

The proceedings in the Italian court on December 13, 1945, through which you acknowledged paternity of the child did not amount to legitimation under the Italian Civil Code of 1942. The laws of New Jersey require that the parents subsequently marry and that the child be recognized in order to effect the child's legitimation.

A child ineligible to be issued a nonquota visa must obtain a quota visa before he may immigrate to the United States for permanent residence. In this connection you may be interested in section 203 (a) of the Immigration and Nationality Act (Public Law 414, 82d Cong.), a copy of which is attached. That section specifies the qualifications or the relationship to a United States citizen or a permanently admitted alien necessary to entitle a prospective immigrant to a preference within the quota in the issuance of an immigrant visa. All preference portions of the quota for Italy are now open for the issuance of visas but the nonpreference portion is heavily oversubscribed.

The enclosures to your letter are returned.

Sincerely yours,

CARL B. HYATT,
Assistant Commissioner, Citizenship Services and Instructions Division.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 881) should be enacted.

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Calendar No. 298

84TH CONGRESS
1st Session

SENATE

REPORT
No. 289

MAY 16 1955
LAW LIBRARY

MRS. MOUNIRA E. MEDLEJ

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 886]

The Committee on the Judiciary, to which was referred the bill (H. R. 886) for the relief of Mrs. Mounira E. Medlej, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Mounira E. Medlej. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 38-year-old Lebanese who last entered the United States as a visitor at New York on December 31, 1950. She is married to a lawfully resident alien of the United States and they have two United States citizen children.

A letter, with attached memorandum, dated May 11, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 7139 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

MAY 11, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7139) for the relief of Mounira E. Medlej, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Lebanon.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MOUNIRA E. MEDLEJ, BENEFICIARY OF H. R. 7139

The beneficiary, Mounira E. Medlej, nee Ibrahim, also known as Mounira Abraham, alias Mounira E. Ibrahim Medlay, citizen of Lebanon, was born in Toula, Batroun, Lebanon, on October 30, 1916. Her last residence abroad was in Lebanon. She entered the United States at New York, N. Y., on December 31, 1950. She was admitted as a visitor for a period of 6 months and was granted extensions of stay, the last of which expired May 1, 1952. An application for further extension was denied and Mrs. Medlej was given until December 31, 1952, to depart from the United States. An application for change of status to that of a permanent resident was denied. Deportation proceedings have been instituted on the grounds that, after admission as a visitor, she failed to comply with conditions of such status. No deportation hearing has as yet been held due to the subject's ill health.

Mrs. Medlej married Antoun J. Medlej, a lawful resident alien at Wheeling, W. Va., on September 30, 1952. A daughter was born on September 24, 1953, at Clarksburg, W. Va. Mrs. Medlej has completed approximately 7 years of schooling, her present occupation is housewife, and, in addition to her husband and child, she has a brother and two uncles living in the United States.

Congressman Cleveland M. Bailey, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended favorable consideration of his measure. Mr. Bailey also advised the committee that Mr. and Mrs. Medlej are now the parents of two United States citizen children and that their second child is less than 30 days old.

In addition, Mr. Bailey submitted the following letter in support of his bill:

CLARKSBURG, W. VA., *March 6, 1954.*

Hon. CLEVELAND M. BAILEY, M. C.,
House Office Building, Washington, D. C.

DEAR MR. BAILEY: I enclose the information requested in the matter of Mrs. Mounira E. Medlej, for whose relief a bill (H. R. 7139) was introduced by you in the House of Representatives on January 11, 1954, and which was referred to the Committee on the Judiciary and is now under consideration by its Subcommittee for Immigration and Naturalization.

Mrs. Mounira E. Medlej (nee Ibrahim, Anglicized Abraham) was born in the village of Toula, in the district of Batroun, Lebanon, in 1916. Her father was Elias Ibrahim; her mother, Mariam Shaker Ibrahim. Mrs. Medlej, then unmarried, arrived in New York, United States of America, by plane of Pan American World Airways, Inc., on December 31, 1950, from Beirut, Lebanon, on aircraft No. 836, flight No. 7/26; her receipt for United States Government head tax is No. A–10945; she has no alien registration number; her passport number is 12308; passport visa No. 210; visitor's permit V289–420. She was married October 30, 1952, to Antoun Medlej, of Clarksburg, W. Va., at Wheeling, W. Va., by her uncle, the Right Reverend Monsignor Paul Abraham, and a daughter was born of this marriage on Thursday, September 24, 1953, at St. Mary's Hospital in the city of Clarksburg, W. Va.

Antoun Medlej, husband of Mrs. Mounira E. Medlej, was born June 5, 1912, at Kaitoule, Lebanon; he lives with his father, George Medlej (Midlege) a naturalized citizen and prominent merchant of Clarksburg, W. Va., whose business is located at 1128 East Main Street that city, and is presently employed by his father in that business.

Antoun Medlej entered this country by Pan American Airlines, arriving in New York on September 20, 1951; was admitted to the United States as a NP quota immigrant under 6A3 of the Immigration Act of 1924, and has been registered under the Alien Registration Act of 1940. He made his declaration of intention to become a United States citizen in the office of the clerk of the United States District Court for the Northern District of West Virginia at Fairmont, W. Va., on April 29, 1952, and it is his intention to apply for his final papers as soon as he has completed the required residence. His present status is that of permanent resident alien.

On December 30, 1952, Mr. George G. Shiya, attorney at law, of New York City, filed form I–507, United States Department of Justice, Immigration and Naturalization Service, for adjustment of status of nonimmigrant to that of person admitted for permanent resident on behalf of Mrs. Medlej, under section 245 (a) of the McCarran Act, within 6 days after the act took effect. The application was processed, and relief refused because the third preference quota for Lebanon had been filled. By this action (and had she known it would have this effect, this action would not have been taken) Mrs. Medlej lost her nonimmigrant status, and her presence in the United States became illegal.

Practically all of Mrs. Medlej's family are now permanent residents of the United States: Philip Abraham is employed in the office of the assessor in Cleveland, Ohio; is a naturalized American citizen. Her uncle, the Right Reverend Monsignor Paul Abraham is the head of the Marionite Rite of the Roman Catholics in the diocese of Wheeling, and is a resident of Wheeling, W. Va. Her brother, the Reverend Paul E. Abraham is a priest of the Roman Catholic Church, of the Marionite Rite, and is a resident of Wheeling, W. Va.; he has taken out his first papers, and will become a naturalized citizen as soon as he has the required residence. Her mother's brother, Isaac Shaker, is a naturalized citizen of Niles, Ohio. Ekel Shaker, of Warren, Ohio, another uncle, is a naturalized citizen. Mitchell F. Shaker, her cousin, a son of Isaac Shaker, is an attorney at law, practicing in Niles, Ohio, and is city solicitor of that city.

Mrs. Medlej's father died in 1918. Her mother is 66 years of age, and is in very poor health and, because of her age and the condition of her health, does not desire to leave her native country, and Mrs. Medlej's younger brother has stayed with her in Lebanon in order to take care of her. Mrs. Medlej has no other relatives or close friends in Lebanon, and her mother and her young brother are almost entirely dependent upon contributions from their relatives in the United States for their livelihood. They could not possibly contribute to the support or provide a place of residence for Mrs. Medlej if she and her child were required to leave the United States.

Mrs. Medlej's child, born on September 24, 1953, is a native-born American citizen. If Mrs. Medlej had to leave the United States it would be necessary that the child go with her; her medical adviser has told her that it would be impossible to separate mother and child at the child's tender age without grave danger to the child's life and, at the present time, she has been advised by her doctor that it would be very dangerous to the child's health to subject her to a long journey, such as would be entailed by a trip to Lebanon.

Mr. Antoun Medlej filed his petition as permanent resident alien for issuance of an immigrant visa on form I–133A, United States Department of Justice, with the proper authority of the Immigration and Naturalization Service on January 26, 1954. This petition has been approved by the Immigration and Naturalization Service, and referred to the Department of State, who has referred it to the proper officer of the consular service, but no visa has been issued and no guaranty can be given that a visa will be issued by the consular service, and, in fact, it is most probable that by the time this petition is processed in the consular service, through the Department of State, back to the Immigration and Naturalization Service, the third preference quota for Lebanon will have been exhausted. Whereupon, Mrs. Medlej will be subject again to danger of immediate deportation.

Mr. George Medlege (Medlej) the father-in-law of Mrs. Mounira E. Medlej, and the grandfather of her child, is a prominent and successful merchant, residing at 334 Broadway, Clarksburg, W. Va., and whose business is located at 1128 East Main Street, Clarksburg, W. Va., is willing to, and has engaged himself to, enter into bond in ample penalty to assure that Mrs. Mounira E. Medlej will

never become a public charge if she is granted a permanent-resident status in the United States. Mr. Medlege is the owner of unencumbered real estate located in Clarksburg, W. Va., having an estimated value of $120,000. He has no liabilities of any kind other than current bills for merchandise. In his business, he is in a position to provide employment for Antoun Medlej, his son, the husband of Mrs. Mounira E. Medlej, at a salary sufficient for him to maintain his family in comfort and to educate the child that is born and any children that may be born in this marriage. Antoun Medlej is the only child of George Medlege and his prospective heir.

In addition to being willing to support Mrs. Mounira E. Medlej and her family, Mr. George Medlege has been an excellent citizen and deserves well of his adopted country. He is thoroughly imbued and devoted to the principles upon which the Government of the United States was founded, and exists. He has been actively engaged in the Americanization of his countrymen who have settled in the United States and has sought in every way to see that their children are educated as Americans, imbued with patriotic principles, and, during the last war, impressed upon them the necessity of demonstrating their patriotism and love of their adopted country by serving willingly in its Armed Forces when able and of an age to do so; and he supported the war effort by joining in the bond campaigns and taking an active part in the Red Cross and all other organizations organized to further the war effort.

Antoun Medlej would have come to this country many years before he did but he could not pass the physical examination, having been infected with trachoma when a child, and this disability was not removed until a cure was found for it, which involved treatments for a protracted period.

There is enclosed a list of the real estate owned by Mr. George Medlege, with its present value as estimated by J. T. Michael.

It is respectfully submitted that the persons whose welfare and interests would be most disastrously affected were Mrs. Mounira E. Medlej required to leave the United States are not her husband and herself, but are George Medlege and her baby, both of whom are American citizens, one by naturalization, the other by birth. George Medlege has demonstrated that he is a patriotic citizen, devoted to the United States; he has, through industry and frugality, amassed a considerable fortune and contributed measurably to the welfare and prosperity of this community, of which he has been a resident for many years. He has the respect and confidence of our citizens, and has given of his time and means to promote the Americanization of immigrants, not only from the Lebanon, but all of Syria. It is the ambition of his life to establish an American family in the United States and, to do this, it is essential that Mrs. Mounira E. Medlej and her child be permitted to remain in this country.

Respectfully submitted.

JAMES C. MCMANAWAY,
Attorney at Law.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 886) should be enacted.

○

Calendar No. 299

84TH CONGRESS *1st Session* } SENATE { REPORT No. 290

MAY 16 1955 LAW LIBRARY

MRS. ELSA DANES

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 888]

The Committee on the Judiciary, to which was referred the bill (H. R. 888) for the relief of Mrs. Elsa Danes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Elsa Danes. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 40-year-old native and citizen of Italy who was admitted to the United States on March 4, 1953, as a visitor, to attend the funeral of her United States citizen husband. The beneficiary had been residing in Salzburg, Austria, with her husband, who was a sergeant in the United States Army at the time of his death. The record discloses that he had filed a petition for the issuance of an immigration visa to his wife with the American consul in Frankfurt, Germany. The beneficiary of the bill is residing with her husband's parents in Clarksburg, W. Va.

A letter, with attached memorandum, dated September 8, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 7796, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

SEPTEMBER 8, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7796) for the relief of Elsa Danes, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Italy.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELSA DANES, BENEFICIARY OF H. R. 7796

Elsa Segatto Danes, nee Elsa Segatto, an Italian subject, was born in Brugnera, Province of Udine, Italy, on August 25, 1914. Her last residence abroad was Salzburg, Austria, where she was residing with her husband, Sgt. Joseph D. Danes of the United States Army, an American citizen. She entered the United States at New York, N. Y., on March 4, 1953. She was admitted as a temporary visitor to attend the funeral of her husband who died January 25, 1953, at Salzburg, Austria. She received extensions of stay, the last of which will expire July 15, 1954. In connection with her last application for extension, she stated that she needed "further time to negotiate for and arrange widow's pension with the United States Veterans' Administration." She now testifies that she had already decided to remain permanently in the United States.

Mrs. Danes attended school in Brugnera, Udine, Italy, for a total of 8 years. She has been employed doing housework, taking tickets in an American movie theater, and worked for an American cleaning establishment, all in Italy. She is not presently employed. She has an income of $120 per month made up of a widow's pension and insurance benefits.

She lives with Rev. Dominick De Polo and family in Clarksburg, W. Va., as a member of his family and assists in the home. She denies political activity of any nature either in the United States or abroad and states that her social activities consist of attending church functions and night school to learn English and citizenship.

Mrs. Danes has no one dependent upon her for support. She has no relatives in the United States. Her father and mother and sister live in Brugnera, Italy. She has lived most of her life in Italy but has lived in Germany and Austria with her husband while he was in the United States Army. She married Sergeant Danes on May 20, 1952.

Congressman Cleveland M. Bailey, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and made the following statements in connection with the bill:

1. Mrs. Elsa Danes, Clarksburg, W. Va.
2. Wife of Sgt. Joseph D. Danes, RA35379593, now deceased, who was a resident of Clarksburg, W. Va.
3. Mrs. Danes, an Italian national, married Sgt. Joseph D. Danes, United States Army, Company D, 12th Infantry, 4th Division, at Trieste, Italy, on May 20, 1952.
4. On July 15, 1952, Sergeant Danes filed a petition for issuance of immigration visa with United States consul at Frankfort, Germany.
5. In October 1952, Sergeant Danes was returned to the United States and discharged. His wife remained with her parents in Italy awaiting a visa to come to America to join her husband.
6. In October 1952, Sergeant Danes visited the United States Immigration Office in Washington, D. C., to inquire about his wife's status.
7. Sergeant Danes returned to Europe in November 1952, and on November 11, 1952, reenlisted in the Army at Salzburg, Austria. He was assigned to Headquarters Company, 7651st Service, at Salzburg.

8. On January 26, 1953, Sergeant Danes died of a heart attack. His body was returned, and he was buried at Arlington Cemetery.

9. Through the efforts of Sergeant Danes' commanding officer at Salzburg, Lieutenant Colonel Batty, and the vice consul at Salzburg, Mrs. Danes secured a visa to enter the United States as a visitor in order to attend funeral services for her husband. She arrived in New York aboard the United States transport *General Hodges* on March 4, 1953.

10. Mrs. Danes' passport (Italian N.3416794P) and visa (nonimmigrant Vo36002) were issued at Salzburg. Mrs. Danes is presently residing with her husband's parents at Clarksburg, W. Va.

I desire to call the attention of the committee to the fact that Mrs. Danes, as the widow of the late Sergeant Danes is drawing a Government pension of $75 monthly. She desires to become an American citizen and to live with her husband's family.

The committee's attention is also called to the many fine recommendations that have been filed in her behalf by church officials and neighbors who vouch for her character, loyalty, and other excellent qualities.

In addition, Congressman Bailey submitted the following letter in support of the bill:

CLARKSBURG, W. VA., *February 2, 1954.*

Hon. CLEVELAND M. BAILEY,
House of Representatives, Washington, D. C.

DEAR MR. BAILEY: We represent Elsa Danes, the Italian alien widow of a deceased United States Army soldier. She is very anxious to immigrate to this country and is presently here on a visitor's visa which has been extended to July 15, 1954.

The facts relating to the background of her case have been fully outlined in a letter written by a friend of hers, Raymond Baer, to the Commissioner, Immigration and Naturalization Service, dated April 12, 1953. A copy of that letter is enclosed so that you will be fully informed regarding Mrs. Danes' case and her problem.

Since Mr. Baer's letter was written, we have investigated the possibility of Mrs. Danes' obtaining an immigration visa. We have also taken up the matter with the immigration authorities and we do not believe that she can obtain an immigration visa under the present immigration law.

As is indicated by Mr. Baer's letter, her husband had set in motion procedure to obtain an immigration visa for her and, had he survived, she undoubtedly would now have such a visa. However, he died while that application was pending. It seems that the present immigration law makes adequate provision for the immigration of wives of United States citizens but makes no provision for the immigration of their widows. Thus, Mrs. Danes appears to be the victim of a hiatus in the law, a result which was probably not intended by Congress. And, although it seems apparent that she will be entitled to all of the money benefits that the widow of a deceased United States Army soldier is normally entitled to, she will be forced to receive and use those benefits in a foreign country unless, somehow, her immigration is authorized.

From our observations and contact with Mrs. Danes, we believe her to be of good moral character and above the average in intelligence and feel that she would become a good citizen.

Knowing that you go out of your way to serve your constituents, as you did in the case of Prof. Eugene Jose Singer, we would appreciate it if you would take up this woman's cause to the end that a special act may be presented to the Congress to authorize this woman's immigration to the United States. If you see fit to do so, such further information as you may desire will be made available to you.

With continued best wishes, I am

Sincerely,

W. G. STATHERS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 888) should be enacted.

Calendar No. 300

84TH CONGRESS, 1st Session | SENATE | REPORT No. 291

MAY 18 1955
LAW LIBRARY

ELISEO FELIX HERNANDEZ

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 890]

The Committee on the Judiciary, to which was referred the bill (H. R. 890) for the relief of Eliseo Felix Hernandez, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has willfully misrepresented certain facts when applying for admission to the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of Mexico. He is the husband of a United States citizen and the father of a United States-citizen child. He last entered the United States as a visitor at Calexico, Calif., on March 6, 1953. He was admitted as a Mexican agricultural laborer upon the presentation of an identity card which belonged to another laborer.

A letter, with attached memorandum, dated October 7, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 9490 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., October 7, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9490) for the relief of Eliseo Felix Hernandez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill provides for the admission of the beneficiary to the United States for permanent residence, notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act. It also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

As a native of Mexico, the beneficiary is entitled to the issuance of a nonquota immigrant visa.

Sincerely,

_____,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING ELISEO FELIX HERNANDEZ, BENEFICIARY OF PRIVATE BILL H. R. 9490

The beneficiary, Eliseo Felix Hernandez, was born June 14, 1931, at Enrique Estrada, Zacatecas, Mexico, and is a citizen of that country. He last entered the United States as a visitor for business, to work in agriculture. Such admission occurred March 6, 1953, at Calexico, Calif., and he used the name Pablo De Loera-Espinoza. He claims braceros, or agricultural workers, were contracted by number. His number was 2,500. When another man, Pablo De Loera-Espinoza, whose number was 1,500, couldn't come to the United States, beneficiary used the other man's number and identity in order to gain admission earlier to the United States. Using the false identity he gained admission to this country and secured extension of stay to February 11, 1954. Deportation proceedings have not as yet been instituted.

Beneficiary was married to Mary Lou Miranda, a native and citizen of the United States, on October 14, 1953, at Reno, Nev. They have one daughter born in this country. Since entering the United States, he has worked in agricultural pursuits and is presently employed by a farmer, George Alcock, Route 1, Box 77c, Dixon, Calif., at a salary of $250 per month. He and his wife have savings of $200 and no other assets. Beneficiary has had about 3 years of grade schooling in Mexico. He claims he does not belong to any organizations, and never has been a Communist. He is a Catholic.

Interviews of employer and former employers near Dixon, Calif., indicate beneficiary has a good reputation. Check of records indicate he has not been arrested or on public welfare in that area.

Congressman John F. Baldwin, Jr., the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the favorable consideration of this measure.

The House committee files also contain the following letter in support of the bill:

SAN FRANCISCO, CALIF., *April 19, 1954.*

Hon. ROBERT L. CONDON,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN CONDON: I am writing to request your assistance in behalf of Eliseo Felix Hernandez, whose address is Route 1, Box 80–B, Dixon, Calif., which I believe is within your district.

Mr. Hernandez entered the United States in 1953 under an assumed name, as an agricultural laborer, using the assumed name because the person of that name gave him permission to use his travel document and Mr. Hernandez was anxious

to come to this country. Subsequently, Mr. Hernandez has married a young woman who is a citizen of the United States and she is now expecting a child.

Because Mr. Hernandez entered this country under an assumed name, he will be permanently barred from obtaining an immigration visa under the provisions of the Immigration and Nationality Act of 1953, since it will be considered that he entered by false and misleading statements. Regardless of his mistaken actions, his young wife and her baby will be the sufferers unless some relief can be obtained. The only relief possible in a case of this kind would be the introduction of legislation in his behalf, to permit him to remain permanently in the United States.

This man has no criminal record and is a clean-cut person and the only blot on his entire career is his use of the assumed name in entering this country, which came about through innocent motives. I am hopeful that you may find it possible to introduce a private bill in his behalf, for the benefit of his citizen wife and coming child, since no other relief is possible under the present stringent law.

Thanking you for whatever you may find it possible to do in this matter, I am,

Yours very truly,

HAROLD D. KLINE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 890) should be enacted.

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Calendar No. 301

84TH CONGRESS, 1st Session | SENATE | REPORT No. 292

MAY 16 1955
LAW LIBRARY

CHIA-TSENG CHEN

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 921]

The Committee on the Judiciary, to which was referred the bill (H. R. 921) for the relief of Chia-Tseng Chen, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Chia-Tseng Chen. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 35-year-old native and citizen of China who last entered the United States as a visitor at New York on December 20, 1953. He is employed as an engineer by the J. G. White Engineering Corp. in New York City. Mr. Chen is also the brother of a citizen of the United States.

A letter, with attached memorandum, dated December 16, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 9525 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

DECEMBER 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9525) for the relief of Chia-Tseng Chen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., offices of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHIA-TSENG CHEN, BENEFICIARY OF H. R. 9525

The beneficiary, Chia-Tseng Chen, also known as Sing-Ming Chen, is a native and citizen of China, who was born in Peiping, China, on February 22, 1920. He last arrived in the United States at the port of New York, N. Y., on December 20, 1953, at which time he was admitted as a visitor for a period of 6 months. The beneficiary has applied for and received an extension of his temporary stay to December 19, 1954. The beneficiary had previously been in the United States on two other occasions, once as the son of a diplomat and the other as a visitor.

The beneficiary alleged he attended elementary school, high school and the University of Shanghai for a period of 12 years in his native country. He further alleged attendance at the Techniche Hochschule, Berlin, Germany, from 1939 to 1941, and Purdue University, Purdue, Ind., from September 1943 to January 1944. The beneficiary alleged his foreign occupation was that of a salesman of industrial equipment for an import and export concern. The beneficiary is unmarried. He has obtained employment with the J. G. White Engineering Corp., 80 Broad Street, New York, N. Y., where he is presently employed as a mechanical engineer draftsman at a monthly salary of $350.70. His close relatives in the United States consist of 1 brother and 2 sisters, who are here in temporary status, and another brother who is a citizen of the United States.

The beneficiary alleged his assets in the United States consist of a regular checking bank account with a present-day balance of $200. His assets abroad consist of a regular checking bank account in Argentina of approximately $100.

Congressman Edward P. Boland, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the favorable consideration of this measure.

The House files also contain the following letter from the employers of the beneficiary of this bill:

THE J. G. WHITE ENGINEERING CORP.,
New York, March 2, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. WALTER: We are pleased to state that Mr. Chia-Tseng Chen has been employed as an engineer in our mechanical engineering department since August 9, 1954, and has just been promoted. As is the case in many engineering concerns, we are short handed, are adding to our staff and consider Mr. Chen essential to the work upon which he is engaged.

Very truly yours,

ROBERT H. BARCLAY,
Vice President, Engineering.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 921) should be enacted.

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Calendar No. 302

84TH CONGRESS, 1st Session | SENATE | REPORT No. 293

MAY 16 1955
LAW LIBRARY

HILDEGARD NOBLE

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 913]

The Committee on the Judiciary, to which was referred the bill (H. R. 913) for the relief of Hildegard Noble, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to restore United States citizenship to a former citizen who expatriated herself through prolonged residence abroad.

STATEMENT OF FACTS

The beneficiary of the bill is a 57-year-old native of Germany who originally came to the United States in 1923 and became a United States citizen in 1932. Together with her husband and two children she went to Germany in 1938. The war broke out before they could return to this country and in 1945 her husband and her son, John, were seized by the Russians and held in a concentration camp until 1952. The husband was released but the son is apparently still held. She returned to the United States with her husband who came back as a citizen, but she was considered to have lost her United States citizenship because of her residence abroad.

A letter, with attached memorandum, dated January 4, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 1141 which was a bill passed by the Senate in the 83d Congress for the relief of the same person, reads as follows:

JANUARY 4, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1141) for the relief of Hildegard Noble, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would enable this alien to be naturalized by taking prior to 1 year after the date of enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act, thereby restoring to her United States citizenship lost under the provisions of section 404 (b) of the Nationality Act of 1940.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HILDEGARD MARIE LOUISA NOBLE, BENEFICIARY OF S. 1141

Mrs. Hildegard Marie Louisa Noble, nee Gerding, also known as Hildegard Spanknoble, was born in Schoen Ebeck Elbe, Germany, on July 19, 1897. Her last residence abroad was at Berlin, Germany. She was admitted to the United States at New York, N. Y., on December 23, 1952, as a nonquota immigrant. She first entered the United States at New York on April 11, 1923, for permanent residence and was naturalized at Detroit, Mich., on January 4, 1932. She remained in the United States until March 1938, at which time she returned to Germany with her husband, Charles Noble, a naturalized citizen, and their two children. Her reason for returning at that time, according to her own statement, was because of her husband's illness. Between the period of her first admission and her departure in 1938 she made two temporary visits to Germany. The subject and her family remained in Germany until 1945, at which time her husband and her son, John, were seized by the Russians. Her husband was held in a concentration camp by the Russians until 1952. Her son, John, is still held. She does not know if he is still living as she has heard nothing from him in several years. After her husband's release he was given a temporary United States passport by the American consul at Berlin with which to enter the United States. She was issued a nonquota visa by the consul.

Mrs. Noble attended public school in Germany for 8 years. She has been employed as a photofinisher by the Hite Studios, Detroit, since June 6, 1953, at an hourly rate of $1.05. She lives with her husband in a rented apartment. Her husband is employed by the General Motors Corp., Detroit, as a stockroom clerk. Her son, George, is married and is residing at Lincoln Park, Mich.

The subject's husband has sponsored the introduction of legislation in her behalf. He was naturalized at Detroit in 1931. After his return to Germany with the subject in 1938 he operated a camera factory at Berlin. He was admitted to the United States at New York on December 23, 1952, as a United States citizen.

Former Senator Homer Ferguson, the author of the bill (S. 1141) submitted a number of letters and documents in connection with the case, among which are the following:

DEPARTMENT OF STATE,
Washington, February 10, 1953.

Hon. HOMER FERGUSON,
United States Senate.

MY DEAR SENATOR FERGUSON: In compliance with your request, a senior officer of the Passport Office saw Mr. Charles Adolph Noble of Detroit, Mich., on January 27, 1953, and discussed with him at length the cases of his wife, Hildegard Noble, and his son, John Helmuth Noble. At the same time, he was put in touch with an officer in the Office of the Legal Adviser with whom he could discuss the difficulties concerning his property interests in East Germany.

Upon reviewing the case of Mrs. Hildegard Noble with Mr. Noble, it was concluded that there was no basis upon which this Department could reasonably hold

that she had not lost her American citizenship under the provisions of section 404 (b) of the Nationality Act of 1940. Mrs. Noble was born in Germany on July 19, 1897, and emigrated to the United States in 1923. She was naturalized as an American citizen by the United States District Court at Detroit, Mich., on January 4, 1932. Subsequent to her naturalization, Mrs. Noble resided in Germany from September 1934 to January 1935, February to April 1937, and March 18, 1938, until they returned to the United States in December 1952. According to the file in Mrs. Noble's case, she last applied for documentation as an American citizen on August 27, 1943, when she applied to the Swiss consul at Leipzig for a Swiss identity certificate showing her to be an American citizen. On August 26, 1952, the American consulate at Berlin, Germany, submitted to the Department a certificate showing that Mrs. Noble lost her American citizenship under section 404 (b) of the Nationality Act of 1940 by residing continuously in Germany for more than 3 years. Her loss of citizenship took place as of October 15, 1946, when the section of law mentioned became operative. Although there was strong motivation for her remaining in Germany beyond the date on which this section of law became operative, it does not appear that she was actually prevented from proceeding to this country by lack of transportation or other circumstances incident to travel or that she remained in Germany for a reason or purpose which would bring her within any of the exceptions set forth in section 405 or 406 of the act. Two copies of an extract from the act, setting forth the sections referred to above, are enclosed.

The Department is of the opinion that, in the circumstances of Mrs. Noble's case, the enactment of legislation exempting her from the operation of section 404 of the Nationality Act of 1940 would be warranted. It is suggested that this result might be achieved by enactment into law of a bill reading somewhat as follows: "That, in the administration of the immigration and nationality laws, Hildegard Noble shall not be held to have lost United States citizenship under any of the provisions of the Nationality Act of 1940 providing for loss of citizenship through continuous residence in a foreign state."

In discussing with Mr. Noble the case of his son, John Helmuth Noble, it was determined that neither he nor the Department has any specific information concerning the whereabouts of his son. Although Mr. Noble was of the opinion that his son has the nationality of the United States only, it was pointed out that, under German law, which in many respects is similar to the law of the United States, his son acquired German citizenship as well as American citizenship at birth and did not lose German citizenship when he, the father, was naturalized as an American citizen. However, since the Department has not received any information indicating that John Noble has lost his American citizenship in any way, the American Foreign Service offices at Berlin and Moscow are being requested to continue their efforts to ascertain his whereabouts, obtain his release, and arrange for his return to the United States.

Sincerely yours,

R. B. SHIPLEY, *Director, Passport Office.*

LINCOLN PARK, MICH., *February 18, 1953.*

Hon. Senator HOMER FERGUSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR FERGUSON: Following up the discussion from February 6, 1953, in your Washington office about the reinstatement of my wife's (Mrs. Hildegard Noble) citizenship, I am herewith submitting this written request.

Mrs. H. Noble, nee Gerding, 55 years old, born July 19, 1897, in Schoenebeck, Germany, received her citizenship on January 4, 1932, under petition No. 64559 and certificate No. 3571211 from the district court of the United States in Detroit, Mich.

Mrs. H. Noble departed for Europe with the other members of the family—myself, George, and Johnny—in 1938 and took up temporary residence in Dresden, Germany. Even though application for the return to the United States had been made, it was impossible for us to leave Germany due to the German governmental restrictions, because we were virtually locally interned and were forbidden to travel. In January 1945 our final attempt to return by way of arranged exchange by the Swiss Legation was hindered by the German Government again and it was impossible for us to leave Germany for good.

In May 1945, I personally reported to Major Clark of the United States Army, commander of the border town, Grimma, Germany, that we wished to be re-

patriated to the United States whereupon I was told that it would be possible for us to return to the United States at the end of 1945.

In the meantime, July 1945, I was taken as political prisoner with my son, Johnny, by the Soviet authorities.

My wife and my son, George, were detailed at our home in Dresden till January 1946, whereupon it was possible for them to flee to the western sector of Berlin.

I personally was kept further with my son Johnny in various concentration camps (Dresden, Muehlberg, Buchenwald) till February 1950. The Soviets promised Johnny discharge with other non-German prisoners but this never materialized; he was transferred to an unknown destination, even though the State Department has not been able to determine his whereabouts. We have strong hopes that such undertakings will be successful. After our separation, I have been turned over to the East German authorities and remained prisoner till July 4, 1952.

According to the provision of the Nationality Act of 1940, section 404, Mrs. H. Noble should have returned prior to October 14, 1946, to the United States, but did not comply with this provision, because she was constantly expecting our return, due to a message I was able to transmit to her, stating that we expected to be released shortly.

Frequent personal communication with the general consulate in Berlin she had hoped to retain her highly valued American citizenship. But with the hope of our early return, it was too difficult for her to leave without being convinced that she had done everything in her power to bring about our return.

Following my release July 4, 1952, from prison of the East German authorities I put in immediately an application for her reentry into the United States by means of nonquota visa, because she had according to the law, lost her citizenship.

We landed in the port of New York on the 23d of December 1952 on the steamship *America* of the United States Lines. She came in as a nonquota inmigrant under section 4A and registration No. A8424696.

All the hardship and difficulties she had to endure should be highly rewarded with the reinstatement of her citizenship.

We hope through your kind effort the necessary legal steps would be taken, or if essential, by introducing special legislation, or by means of private bill the reinstatement of my wife's, Hildegard Noble, citizenship would be brought about.

Highly appreciating your efforts, I remain,

Sincerely yours,

CHARLES NOBLE.

Congressman Alvin M. Bentley, the author of this bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the favorable consideration of this bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 913) should be enacted.

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MAY 16 1955

Calendar No. 303

84TH CONGRESS, 1st Session | SENATE | REPORT No. 294

MAY 16 1955
LAW LIBRARY

GLORIA MINOZA MEDELLIN

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 911]

The Committee on the Judiciary, to which was referred the bill (H. R. 911) for the relief of Gloria Minoza Medellin, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Gloria Minoza Medellin. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of the Philippine Islands who last entered the United States on October 1, 1951, as a visitor. Since her arrival in the Untied States the beneficiary has been supported by her aunt, Mrs. L. M. Blanco. On September 26, 1953, Mrs. Blanco died and the beneficiary is 1 of 9 heirs to the estate. The beneficiary has a 6-year-old daughter, born in the Philippines, but a United States citizen by reason of her father, who is a United States citizen. He has acknowledged paternity of the child and contributes $30 a month toward the child's support. The child was admitted to the United States as a citizen on January 1, 1953, and resides with her mother in Ketchikan, Alaska. They are supported by money from Mrs. Blanco's estate and, in addition, the beneficiary owns a home in Manila from which she receives $15 a month rent. The editor of the Ketchikan Chronicle has assured

the beneficiary employment as a stenographer if she is allowed to remain in the United States.

A letter, with attached memorandum, dated April 26, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 6960, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

APRIL 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6960) for the relief of Gloria M. Medellin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant, the beneficiary would be chargeable to the Philippine quota.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GLORIA MINOZA MEDELLIN, BENEFICIARY OF H. R. 6960

Gloria Minoza Medellin was born on November 28, 1923, at Cebu City, Philippine Islands, and entered the United States at Anchorage, Alaska, October 1, 1951, via Northwest Airlines, as a temporary visitor for 6 months. The beneficiary, subsequent to this entry, applied for adjustment of her status to that of a permanent resident. This application for adjustment was denied on June 16, 1953, and on July 8, 1953, she was granted 90 days to depart from the United States. This departure date was subsequently extended to February 1, 1954.

The beneficiary has never been married; however, she has a 6-year-old daughter, Maria Linda Hallford, who was born on February 15, 1947, in Manila, Philippine Islands. This child's father, Patrick Hallford, a United States citizen, was an officer in the United States Army who, after discharge, remained in the Philippine Islands to work for Claims Department of the United States Army. The beneficiary lived as man and wife with Patrick Hallford from September 1946 to November 1947 in Manila. Mr. Hallford on September 18, 1951, properly recognized the child as his daughter in special court proceedings No. 14649 before Judge L. B. Macadaeg, Manila, Philippine Islands. Mr. Hallford contributes $30 a month to the child's support. On September 19, 1951, Maria Hallford was issued United States passport 3509 by the United States consul in Manila, Philippine Islands, and was admitted at Anchorage, Alaska, on January 1, 1953, as a United States citizen.

The beneficiary is a high-school graduate and completed a 6-month secretarial course at Cosmopolitan Business College in Manila, Philippine Islands. From 1946 to 1947 the beneficiary was employed as a stenographer for the United States Army, and from 1949 until she departed from the Philippine Islands, in 1951, she was employed as a stenographer by the United States Veterans' Administration in Manila, Philippine Islands. Since her arrival in the United States the beneficiary has been supported by her aunt, Mr. L. M. Blanco, Ketchikan, Alaska. On September 26, 1953, Mrs. Blanco died; however, the beneficiary continues to be supported by Mrs. Blanco's estate to the extent of $20 per week and eventually, when the estate is probated, will receive an amount of about $2,500.

The beneficiary owns a home in Manila valued at $5,000, from which she realizes $15 per month rent. Mr. William Baker, editor of the Chronicle, a Ketchikan daily newspaper, has assured her employment in the event she is admitted for permanent residence because of her proficiency in stenography.

Delegate E. L. Bartlett, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter and documents concerning H. R. 6960, a similar bill introduced in the 83d Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 12, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. REED: Reference is made to my bill (H. R. 6960) for the relief of Gloria Minoza Medellin.

I should greatly appreciate it if a report might be requested of the Immigration and Naturalization Service on this measure and if I could be advised when such report has been received.

In connection with the reasons why I introduced H. R. 6960, I should like to relate the following:

Gloria Minoza Medellin came to Ketchikan, Alaska, to visit her uncle and aunt, Mr. and Mrs. L. M. Blanco, residents of Ketchikan for many years and operators of a cafe and barbershop in Ketchikan. Three months after her arrival on a visitor's entry permit, Mr. Blanco died, leaving Mrs. Blanco alone. Since Mrs. Blanco was in poor health, Miss Medellin became the only person on whom Mrs. Blanco could depend for her care. Mrs. Blanco died in October of last year.

Miss Medellin, who is a citizen of the Republic of the Philippines, has a daughter with her, 6-year-old Maria Linda Lorraine Hallford, born in the Phillippine Islands but a citizen of the United States by reason of her father. In that connection, I am enclosing copy of a deed of acknowledgment and recognition of natural child, copy of special proceedings in the court of first instance of Manila and an affidavit executed by Miss Medellin, all testifying to the recognized paternity of the daughter and containing certain other data of interest here.

Miss Medellin, along with nine other relatives, is the heir under the will of Mrs. Blanco to the Blanco estate. The terms of the will state that the real-estate property, buildings, and places of business must be liquidated and turned into cash within 6 months of Mrs. Blanco's death. This will compel the sale of the property at what I understand is a great loss to Miss Medellin and the other heirs unless Miss Medellin is allowed to remain and purchase the property herself and continue to operate the business for the benefit of her daughter and herself. Furthermore, she is most anxious that her daughter, an American citizen, be reared and educated in the United States but cannot be expected to leave the little daughter behind her if Miss Medellin is deported from the United States.

From all I can learn, Miss Medellin is an honest and fine person and would make a good American citizen.

Miss Medellin was admitted to the United States at Anchorage, Alaska, on October 1, 1951, as a visitor, and three extension of temporary stay have been granted her, the last due to expire February 1.

If there is any further information desired, I should be happy to obtain it for you.

Sincerely yours,

E. L. BARTLETT.

KETCHIKAN, TERRITORY OF ALASKA,
December 29, 1953.

AFFIDAVIT

Before me, a notary public in and for the Territory of Alaska, Division No. 1, appeared this date Gloria Medellin, of legal age, who deposed and swore as follows:

1. That she is native-born citizen of the Republic of the Philippines, age 30;
2. That she entered the United States at Anchorage, Alaska, October 1, 1951, using passport No. 4290, dated September 25, 1951; visa No. V–1670419;
3. That she is the mother of Marie Linda Lorraine, a female child, born at Manila, Philippine Islands, February 15, 1947, legitimized as Marie Linda Lorraine Hallford, certificate of birth No. 2698 (b47). Deed of acknowledgment signed by the father, Patrick Hallford, an American Army officer, and the mother,

June 26, 1951, at Manila, Philippine Islands, and registered as Document No. 21, page 9, book 1, series of 1951.

4. That the said minor child was admitted to the United States January 1, 1953, at Anchorage, Alaska, and has since been with her mother, the undersigned, at Ketchikan, Alaska. That the daughter entered under passport No. 3509, as a citizen of the United States, said passport being issued September 19, 1951. That said daughter is at present enrolled in the first grade of the Catholic parochial school in Ketchikan, Alaska.

GLORIA MEDELLIN.

Witness—
WILLIAM L. BAKER.

Subscribed and sworn before me this 29th day of December 1953.

[SEAL] EDWIN L. ELLIOTT, *Notary Public.*

My commission expires March 30, 1956.

DEED OF ACKNOWLEDGMENT AND RECOGNITION OF NATURAL CHILD

Know All Men by These Presents:

That this deed made and executed in the city of Manila, Philippines, this 26th day of June 1951, by Patrick Hallford, American, of age, single, and Gloria Medellin, Filipino, of age, single, both residing in Quezon City, Philippines,

Witnesseth:

That they declare, publish, and make of record that they have acknowledged and recognized, and by this deed hereby jointly acknowledged and recognized Marie Linda Lorraine Hallford y Medellin, born in the city of Manila, Philippines, on February 15, 1947, and baptized at the parish church of Santisimo Rosario, Manila, on September 7, 1947, as their natural child, they being free, at the time of conception and birth of said child, to marry each other if they had desired to do so.

In witnesseth whereof they have hereunto set their hands in the place and on the date hereinabove set forth.

GLORIA MEDELLIN.
PATRICK HALLFORD.

Signed in the presence of—
JOSEPHINE D. SHEA.
ROSITA C. VICTORIA.

REPUBLIC OF THE PHILIPPINES,
City of Manila, ss:

ACKNOWLEDGMENT

In the city of Manila, Philippines, this 26th day of June 1951, before me the undersigned notary public in and for the said city personally came and appeared Patrick Hallford (no resident certificate), United States Government employee (exempted) and Gloria Medellin with resident certificate No. A-0176915, issued at Manila, Philippines, on February 1, 1951, both to me known and known to me to be the same persons who executed the foregoing deed of acknowledgment and recognition of natural child and acknowledged the same to an act of their own free will and volition.

In witness whereof I have hereunto set my hand and caused my official seal to be affixed in the place and on the day first above written.

[SEAL] ELIGIO J. SORIANO, *Notary Public.*

My commission expires December 31, 1952.

(Doc. No. 21, p. No. 9, book No. 1, series of 1951.)

REPUBLIC OF THE PHILIPPINES COURT OF FIRST INSTANCE OF MANILA

Special Proceedings No. 14649

IN RE PETITION FOR DECLARATION OF STATUS

PATRICK HALLFORD AND GLORIA MEDELLIN, PETITIONERS

Decision

In this case, the petitioners, Patrick Hallford and Gloria Medellin, pray that this court declare that the minor, Marie Linda Lorraine Hallford, is their child and that a pronouncement be made to that effect and that an adjudication as such be made by this court for the reasons stated in their said petition.

It appears from the evidence that the petitioner, Patrick Hallford, is an American citizen, single, and the other petitioner, Gloria Medellin, who is a Filipino, also single, have lived maritarily and, subsequently, a child was born to them on February 15, 1947, in the city of Manila, Philippines, and given the name, Marie Linda Lorraine, as shown by the birth certificate (exhibit A).

It has also been established by exhibit B that the said petitioners jointly executed before a notary public in the city of Manila, on the 26th day of June 1951, a deed of acknowledgment and recognition of the said minor, Marie Linda Lorraine Hallford, as their child, and that the said deed of acknowledgment and recognition has been duly presented and registered in the office of the local civil registrar for the city of Manila. It also appears from the evidence that the purpose of their petition is to confer on their said daughter, Marie Linda Lorraine Hallford, the corresponding rights to which she may be entitled as the natural daughter of the petitioner, Patrick Hallford, who is a veteran of the United States Army.

Appearing, therefore, from the evidence that the said minor, Marie Linda Lorraine Hallford, is the natural child of the petitioners, Patrick Hallford and Gloria Medellin, and as prayed for, this court makes a pronouncement and an adjudication to that effect.

It is so ordered.

HIGINIO B. MACADAEG, *Judge.*

MANILA, PHILIPPINES, *September 18, 1951.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 911) should be enacted.

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Calendar No. 304

84TH CONGRESS, 1st Session } SENATE { REPORT No. 295

MAY 16 1955
LAW LIBRARY

DR. DANUTA OKTAWIEC

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 923]

The Committee on the Judiciary, to which was referred the bill (H. R. 923) for the relief of Dr. Danuta Oktawiec, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Danuta Oktawiec. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old native of Poland, now stateless, who last entered the United States on October 2, 1950, as an exchange visitor, destined to Kansas City University Medical Center, Kansas City, Kans. The beneficiary is a physician, and following completion of her internship in October 1951, she was appointed to a 2-year residency in the department of anesthesiology at Kansas University Medical Center. If permitted to remain in this country, it is stated that she will become a permanent member of the staff. The beneficiary served as a nurse in the Polish Armed Forces from 1941 to 1944, and studied medicine at Edinburg University in England before she came to the United States.

A letter, with attached memorandum, dated October 28, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 671, which was a bill

introduced in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 28, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 671) for the relief of Dr. Danuta Oktawiec, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee and head tax. It would also direct that one number be deducted from the appropriate immigration quota. It should be noted, however, that the Immigration and Nationality Act does not require the payment of a head tax.

The quota of Poland, to which Dr. Oktawiec is chargeable, is oversubscribed for nonpreference applicants. She may be qualified, however, for a preference under section 203 (a) (1) (A) of the Immigration and Nationality Act on the basis of her education, training or experience.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING DR. DANUTA OKTAWIEC, BENEFICIARY OF H. R. 671

Danuta Zafia Oktawiec, a native of Poland, who claims to be stateless, was born on January 3, 1922. Coming from England, she entered the United States at the port of New York on *October 2, 1950*, when she was admitted as an exchange visitor for 1 year under section 201 of the United States Information and Educational Exchange Act of 1948. This act contemplates the return of alien beneficiaries to their homes in foreign lands to promote a better understanding of the United States in those countries.

The alien was granted one extension of her stay which expired on January 18, 1952. Deportation proceedings were instituted against her on September 12, 1952, on the ground that, after being admitted as a visitor, she has remained in the United States for a longer time than permitted.

The beneficiary is a physician. She testified that she studied medicine at Edinburgh University in England and came to the United States to accept an internship at the Kansas University Medical Center in Kansas City, Kans. She completed her internship in October 1951 and was appointed to a 2-year residency in the department of anesthesiology at Kansas University Medical Center at a salary of $125 a month. Her present salary is $150 a month.

Dr. Oktawiec testified that she resided in Poland until April 30, 1940, when the Russians deported her to Russia. Thereafter she resided in Iran, Iraq, Palestine, and Italy, arriving in England in December 1944. She stated that she was a member of the Polish armed forces from December 1941 until December 1944, serving as a nurse.

Dr. Oktawiec's parents and one brother reside in Poland. Another brother is in Scotland. She is not married and has no close relatives in the United States.

Congressman Richard Bolling, the author of the bill, submitted the following letter, with enclosures, to the Committee on the Judiciary of the House of Representatives with reference to the case:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: There are enclosed several letters from physicians and instructors at the University of Kansas Medical Center, attesting to the good character of Dr. Danuta Oktawiec, who is the beneficiary of a private bill, H. R. 923, now being considered by your committee.

Dr. Oktawiec has been in the United States since 1950, completing an internship at the Kansas University Medical Center in 1951, and is now employed in the

department of anesthesiology where, if permitted to remain in this country, she will become a permanent member of the staff.

She has been highly recommended to me by people in whose judgment I trust, as being industrious, extremely capable and of excellent character. It is my sincere belief if the bill in her behalf is approved and Dr. Oktawiec is permitted to remain in this country that she will prove to be a definite asset to the community and the United States.

With best wishes.

Sincerely,

RICHARD BOLLING.

UNIVERSITY OF KANSAS MEDICAL CENTER,
Kansas City, Kans., March 14, 1955.

Hon. RICHARD BOLLING,
Kansas City, Mo.

DEAR SIR: I am writing on behalf of Dr. Danuta Oktawiec, a Polish displaced person who is anxious to remain in this country for the purpose of becoming a citizen. She is, as you know, now serving as resident in anesthesiology at the University of Kansas Medical Center. Professionally she has superior ability and is possessed of a fine personality and intense zeal in her chosen work. We have at all times found her a fine lady of good habits, cooperative, and loyal to the customs and principles existent in these United States.

Sincerely yours,

W. CLARKE WESCOE, M. D.,
Dean of the Medical School
and Director of the Medical Center.

UNIVERSITY OF KANSAS MEDICAL CENTER,
DEPARTMENT OF SURGERY,
Kansas City, Kans., March 9, 1955.

Re Dr. Danuta Oktawiec, University of Kansas Medical Center, Kansas City, Kans.

Congressman RICHARD BOLLING,
Kansas City, Mo.

DEAR MR. BOLLING: Since October 1950, when Dr. Oktawiec first came on my service, her first training period at this hospital, and in this country only 24 hours, I have watched her progress with interest and have been most sympathetic in her efforts to gain citizenship. Dr. Oktawiec has had a fine medical training and has made a good record with us at the University of Kansas Medical Center. I think she deserves a great deal of credit for what she has been able to accomplish—at great odds. I recommend her to you with my wholehearted and enthusiastic endorsement in this fine effort you are making for her to become a citizen.

I hope that everything will be done as quickly as possible to give her this chance as she will make a good citizen in this country and will have a lot to offer in the way of service where it is sorely needed. In all of my dealings with her, I have found her to be an honest, forthright, dependable, responsible, and capable person. I can vouch for her character as being above reproach.

Sincerely,

DAVID W. ROBINSON, M. D.,
Chairman, Department of Plastic Surgery.

UNIVERSITY OF KANSAS MEDICAL CENTER,
DEPARTMENT OF SURGERY,
Kansas City, Kans., March 14, 1955.

Hon. RICHARD BOLLING,
Kansas City, Mo.

DEAR MR. BOLLING: I am very happy to vouch for the character of Dr. Danuta Oktawiec; she is of good character and conducts herself properly and respectfully at all times. She commands the respect of all those who are associated with her professionally and socially. Those of us who are associated with her professionally feel and place great trust and confidence in her.

Sincerely yours,

STANLEY R. FRIESEN, M. D.,
Associate Professor of Surgery.

KANSAS CITY, MO., *March 12, 1955.*

Hon. RICHARD BOLLING,
Kansas City, Mo.

DEAR SIR: This letter is to attest to the character of Dr. Danuta Oketawiece, who is a staff physician at the University of Kansas Medical Center.

I have known Dr. Oketawiece for 4 years during her internship and residence at the University of Kansas Medical Center. She is a person of fine moral and ethical standards and should make a worthy American citizen. Her position is one of importance and responsibility which makes her more valuable to the community.

Very truly yours,

ROBERT H. OWENS, M. D.

UNIVERSITY OF KANSAS MEDICAL CENTER,
DEPARTMENT OF SURGERY,
Kansas City, Kans., March 14, 1955.

Hon. RICHARD BOLLING,
Kansas City, Mo.

DEAR MR. BOLLING: Dr. Danuta Oktawiec, who is applying for citizenship in the United States, has asked me to write a letter to you in her behalf.

Dr. Oktawiec arrived in the United States in October 1950. She served an internship at the University of Kansas Medical Center for 1 year and since that time has been a graduate student in the Department of Anesthesiology at the same institution.

Dr. Oktawiec's work has been excellent. She is a young woman of very fine character. She speaks English well (better than some Americans). Everyone at the University of Kansas Medical Center who has worked with Dr. Oktawiec is very fond of her personally and she has the good wishes of everyone that she will be able to become an American citizen.

Yours sincerely,

THOMAS G. ORR, M. D.

UNIVERSITY OF KANSAS MEDICAL CENTER,
DEPARTMENT OF ANESTHESIOLOGY,
Kansas City, Kans., March 10, 1955.

Hon. RICHARD BOLLING,
Kansas City, Mo.

DEAR HONORABLE BOLLING: I have been informed by Dr. Danuta Oktawiec that a bill has been introduced in the House of Representatives for her relief.

Dr. Oktawiec has been a member of my staff for the past 4 years. During this time I have always found her character above reproach and very gracious in being allowed to stay in this country. Dr. Oktawiec is and always has been very conscientious in the performance of her duties.

I have informed Dr. Oktawiec if she is allowed to stay in this country, that she will be made a permanent member of my staff.

Therefore, at this time I would like to have her bill approved, as I personally feel that she will be conscientious and at all times a loyal citizen of these, our United States of America.

Respectfully yours,

PAUL H. LORHAN, M. D.,
Professor of Anesthesiology.

UNIVERSITY OF KANSAS MEDICAL CENTER,
DEPARTMENT OF ANESTHESIOLOGY,
Kansas City, Kans., March 10, 1955.

Congressman RICHARD BOLLING,
Kansas City, Mo.

DEAR HONORABLE BOLLING: I am writing in behalf of Dr. Danuta Oktawiec, whose bill to obtain a permanent visa is before the Rules Committee. Dr. Oktawiec, who has been in this country for 5 years, has been a very willing student of American customs and ways of thought. She is extremely capable professionally, and has used her time in this country to acquire training in anesthesiology, which is a specialty where the demand for trained personnel far exceeds the supply. She would be a most desirable citizen in every respect.

Yours very truly,

GRETCHEN GUERNSEY, M. D.

UNIVERSITY OF KANSAS MEDICAL CENTER,
DEPARTMENT OF SURGERY,
Kansas City, Kans., March 10, 1955.

Hon. RICHARD BOLLING,
Representative, Fifth District,
Kansas City, Mo.

DEAR MR. BOLLING: I am writing in regard to Miss Danuta Oktawiec, who is a member of the anesthesia staff of the University of Kansas Medical Center. I have known Miss Oktawiec for the past 3 years and wish to recommend her to you as an extremely competent and fine physician whose moral and ethical background is above reproach. Miss Oktawiec has all the attributes necessary for fine American citizenship and I do hope that you will be able to help this very deserving girl.

Sincerely yours,

WILLIAM L. VALK, M. D.,
Professor of Urology.

UNIVERSITY OF KANSAS MEDICAL CENTER,
DEPARTMENT OF SURGERY,
Kansas City, Kans., March 10, 1955.

REPRESENTATIVE RICHARD BOLLING,
Fifth Congressional District,
Kansas City, Mo.

DEAR SIR: It is my pleasure to write you a letter of recommendation regarding Dr. Danuta Oktawiec who at the present time has a bill pending in our Congress for her admission to the United States as a citizen.

I have been associated with Dr. Oktawiec for the past 4 years in a professional capacity at the University of Kansas Medical Center. During that time she has proved herself an extremely capable individual, devoted to the medical profession and its pursuits, and time after time has shown herself a worthy member of the surgical team in the operating room. As a tribute to her accomplishments we have selected her as a faculty member of the department of surgery in anesthesiology at the University of Kansas Medical Center.

I would earnestly solicit your efforts in helping to obtain citizenship for Dr. Oktawiec and hope that the necessary procedure for this step can be accomplished. I am certain that she will be a worthy and valuable fellow countryman.

Sincerely yours,

C. FREDERICK KITTLE, M. D.,
Assistant Professor of Surgery.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 923) should be amended.

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MAY 1

Calendar No. 305

84TH CONGRESS, 1st Session } SENATE { REPORT No. 296

MAY 16 1955
LAW LIBRARY

JOSEPH MARRALI

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 924]

The Committee on the Judiciary, to which was referred the bill (H. R. 924) for the relief of Joseph Marali, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Joseph Marrali. The bill provides for the payment of the required visa fee. No provision is made for a quota deduction in view of the fact that Mr. Marrali is entitled to nonquota status as the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native and citizen of Italy who entered the United States as a stowaway at Norfolk, Va., on December 28, 1948. He is the husband of a United States citizen and served honorably in the United States Army from May 14, 1951, to May 13, 1953.

A letter, with attached memorandum, dated October 4, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 9122 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., October 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9122) for the relief of Joseph Marrali, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

As the spouse of a United States citizen the beneficiary would be entitled to nonquota status in the issuance of a visa. It would appear, therefore, that the deduction of one number from the immigration quota would not be necessary in the event of enactment of the bill.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOSEPH MARRALI, BENEFICIARY OF H. R. 9122

The beneficiary, Joseph Marrali, also known as Giuseppe Marrali, was born in Licata, Italy, on April 11, 1927, his last address abroad was at Via Peschiera, No. 5, Milan, Italy. He entered the United States at Norfolk, Va., as a stowaway on December 28, 1948.

Deportation proceedings were instituted against the beneficiary on February 10, 1954, on the ground that he entered the United States without inspection. On June 15, 1954, he was granted voluntary departure by this Service and has been given until September 30, 1954, in which to effect his departure.

The beneficiary attended school for 8 years in Licata, Italy, and subsequently worked for the town of Licata in a clerical capacity. He stated that he belonged to a Fascist youth organization because it was compulsory, but that he never attended meetings and never served in the Italian Army. In 1945 his family moved to Milan, Italy, where his mother, Francesca Marrali, and a sister, Carmela Bosa, still reside. From 1945 until 1948 the beneficiary worked at various jobs in Milan. His father, Antonio Marrali, who operated a restaurant in Kansas City, Mo., died in that city in 1950.

The beneficiary served in the United States Army from May 14, 1951, to May 13, 1953, and was honorably discharged as a private first class. He has lived and worked in Kansas City, Mo., since his arrival in this country, with the exception of his Army service. His usual occupation has been a restaurant cook or waiter. He is presently employed as a cook in the Italian Gardens Restaurant, Kansas City, at a salary of $65 a week. He married Mrs. Donna Pannell, a divorcee, who is a native and citizen of the United States, in Kansas City on July 2, 1954. They are presently residing at 1027 East 9th Street, Kansas City, Mo. He has no money or property.

Congressman Richard Bolling, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the favorable consideration of his bill.

Mr. Bolling also submitted the following letters in support of his bill:

KANSAS CITY, MO., *May 3, 1954.*

Re Joseph Marrali

Hon. RICHARD BOLLING,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN: On February 23 you wrote me in regard to the above party. I am enclosing herewith a photostatic copy of his Army record and 3 letters—1 from his pastor and 2 from businessmen.

Joseph Marrali was 21 years of age when he came to this county on December 28, 1948, arriving at Norfolk, Va. He was a stowaway aboard ship and apparently had made a deal with someone in Italy to see that he was landed here in America.

His father was a resident of Kansas City, Mo., of long standing at the time he died in November 1950.

I have know this boy personally since the day he arrived in Kansas City, and from all reports he has been a good, law-abiding, industrious person. He has relatives here in Kansas City, Mo., and anything you can do will be appreciated.

Thanking you in advance, I remain,

Sincerely yours,

JAMES DALEO.

ITALIAN GARDENS,
Kansas City, Mo., April 14, 1954.

In re Joseph Marrali.

To Whom It May Concern:

The above party has been employed by us since May 1953 as a cook. He is an honest, conscientious, industrious employee; is a well-behaved and well-mannered person and gets along well with his fellow employees and associates.

His reputation in the community is of the best and from his past actions, his service in the United States Army, and from information given to us, it is our opinion that he would make an honest, upright, loyal citizen.

Yours very truly,

FRANK LIPARI, Jr.

DIOCESE OF KANSAS CITY,
CHANCERY OFFICE,
Kansas City, Mo., March 10, 1954.

To Whom It May Concern:

I am very happy to recommend to you Joseph Marrali. He is a man of upright character and would make a fine citizen in this country. I am sure that his 24 months in the Army has proved him worthy of citizenship. Since he served our country so well in war, he will serve it just as well in time of peace.

He is a good Catholic young man who is living up to his religion. I am sure you are not making a mistake in allowing him to remain his this country. I am deeply interested in this young man and pray that you will grant this favor.

With every best wish, I remain,

Sincerely yours,

Rev. R. A. MARTIN.

The Committee on the Judiciary of the House of Representatives has consistently refused to enact private legislation in behalf of aliens who have reached these shores as stowaways. However, the fact that the beneficiary of this bill has served honorably in the United States Armed Forces for 2 years seems to warrant the enactment of this bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 924) should be enacted.

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Calendar No. 306

84TH CONGRESS, 1st Session } SENATE { REPORT No. 297

LAW LIBRARY

HOWARD CARL KAISER

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 958]

The Committee on the Judiciary, to which was referred the bill (H. R. 958) for the relief of Howard Carl Kaiser, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Howard Carl Kaiser. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is married to a United States citizen and is therefore a nonquota immigrant.

STATEMENT OF FACT

The beneficiary of the bill is a 34-year-old native and citizen of Canada, who last entered the United States on July 1, 1952, as a visitor. He had previously entered the United States on a number of occasions, also as a visitor. The beneficiary is married to a United States citizen and they have a daughter born October 23, 1949. The beneficiary has been employed as a machinist since his last entry into the country. The record discloses that the beneficiary was confined to the Ontario Hospital in Canada from April 6, 1941, until May 30, 1941, where his illness was diagnosed as schizophrenia, catatonic type. As an alien who has suffered a previous attack of insanity, the beneficiary would be unable to receive a visa to enter the United States. Since his discharge from the hospital the beneficiary

has suffered no further mental trouble, and a psychiatrist states it is his belief that the beneficiary was never afflicted by insanity, but by an emotional disturbance caused by the death of his mother. If the instant bill is enacted, the beneficiary will be able to remain in the United States with his citizen wife and child.

A similar bill, S. 3756, passed the Senate during the 83d Congress. The following facts were contained in Senate Report 2240, 83d Congress:

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3756) for the relief of Howard Carl Kaiser, there it attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Louis, Mo., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee.

The beneficiary is a native of Canada and is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HOWARD CARL KAISER, BENEFICIARY OF S. 3756

Howard Carl Kaiser, a Canadian subject, was born in Waterloo, Ontario, Canada, on February 27, 1920. His last residence abroad was in Canada. He entered the United States at Buffalo, N. Y., on July 1, 1952. He was admitted as a visitor. He has previously entered the United States at various times as a visitor and on one occasion in September 1945 entered the United States as a student. The records of Washington University, St Louis, Mo., show he attended that institution from February 1, 1946, until May 2, 1946, at which time he withdrew without having completed any courses. He departed from the United States subsequent to the termination of his studies at Washington University in 1946. On October 2, 1950, he was refused admission to the United States by a board of special inquiry United States Immigration and Naturalization Service at Niagara Falls, N. Y. He continued to reside in Canada from that time until he last entered the United States on July 1, 1952. In view of the fact that he has remained in the United States longer than permitted as a visitor a warrant of arrest was issued in his case on the charge that he entered the United States as an immigrant without the proper immigration visa. A hearing was held on this warrant and the hearing officer on May 22, 1953, ordered the beneficiary deported to Canada. On February 17, 1954, the beneficiary was given the privilege of voluntarily departing from the United States in lieu of deportation and he is presently on parole by the St. Louis office of this Service. He has been given until August 31, 1954, within which to depart voluntarily in accordance with the privilege granted him.

Mr. Kaiser has been employed by various firms as a machinist since he last entered the United States in July 1952. He is presently employed by the Sterling Aluminum Products Co., 2925 North Market Street, St. Louis, Mo., as a machinist and earns approximately $120 per week.

On June 30, 1946, Mr. Kaiser married Imogene Carson at Pinckneyville, Ill. His wife is a citizen of the United States by birth in Tamaroa, Ill. Mr. Kaiser and his wife have one child, a daughter, Jennifer Nancy, born October 23, 1949, at Niagara Falls, N. Y. Mr. Kaiser's wife and child reside with him in St. Louis, Mo.

The files of this service show that Mr. Kaiser was an inmate of the Ontario Hospital, Hamilton, Ontario, Canada, from April 6, 1941, until May 30, 1941, as an insane patient with the diagnosis of schizophrenia, catatonic type. The files further show that the superintendent of the institution where Mr. Kaiser was hospitalized has indicated that when Mr. Kaiser left that institution it was felt that he had recovered from his mental illness. The superintendent of the institution stated further that many patients suffering from the type of illness as Mr.

Kaiser have only one such mental attack and no more, but that no one could guarantee whether Mr. Kaiser would or would not have future attacks or what the possibility was of such a recurrence. Mr. Kaiser's difficulties in connection with securing proper immigration documents to enter the United States for permanent residence are primarily based upon the provisions of the immigration and nationality laws, which do not permit the entry of a person into the United States who has had a previous attack of insanity.

Senator Thomas C. Hennings, the sponsor of the bill which was introduced for him by Senator Symington, has submitted the following information in connection with the case:

ST. LOUIS, *July 6, 1954.*

Honorable Senator THOMAS C. HENNINGS,
Senate Office Building, Washington, D. C.

DEAR SENATOR HENNINGS: I venture to hope that you remember our acquaintance at the St. Louis bar, and that you might be willing to consider the problem that I take the liberty of calling to your attention.

Congressman Curtis has introduced a bill in the House, H. R. 7260, and a companion bill was introduced by Mrs. Sullivan, H. R. 6974, on behalf of Howard Carl Kaiser at the opening of this session of Congress. A report from the Department of Justice has not yet been received, but I am advised by Mrs. Sullivan that a staff member of the Senate Judiciary Committee advised her that the Senate might work out something in the meantime, and I would very much like to enlist your assistance in this regard if you should see your way free to do so.

Kaiser's history and problem is more fully set out in the enclosed memorandum which was forwarded both to Mr. Curtis and Mrs. Sullivan. Briefly, he is a Canadian who is illegally in the United States. Both his wife and his daughter are American citizens by birth and he came to the United States in an effort to rectify his position. Since at one time in 1941 he was hospitalized for 7 weeks in an Ontario hospital for some mental ailment, he could not legally enter the United States unless congressional action was obtained in his behalf. This was practically hopeless from abroad, and the young man took the courageous but debatable step of entering the United States nevertheless.

He went voluntarily to disclose his problem to the Immigration Service in St. Louis and has enlisted the help of psychiatrists and other people including myself, and this is an effort to bring about a reunion of the family and legalize his position here.

I sincerely trust that you might be willing to help the Kaisers in their very serious predicament.

With kind personal regards and best wishes,

Sincerely yours,

LASHLY, LASHLY & MILLER.
PAUL B. RAVA.

IN RE HOWARD CARL KAISER, H. R. 6974

Biographic data

Howard Carl Kaiser is a Canadian citizen by birth. He was born in Waterloo, Ontario, Canada, on February 27, 1920. Both his father and his mother were native-born Canadians. His father, Albert William Kaiser, is living and resides at 258 Herbert Street, Waterloo, Ontario. His mother, Irene Nancy Kaiser, died of disabetes at the age of 43 on January 17, 1939. Howard Carl Kaiser is the only living child of the marriage.

In June 30, 1946, Howard Carl Kaiser married in Pinckneyville, Ill., Miss Imogene Carson Denton, an American citizen, a native and then a resident of that city. A daughter Jennifer Nancy was born of the marriage in Niagagra Falls, N. Y., on October 23, 1949, and she is an American citizen by birth. Kaiser's father-in-law is Mr. Jay L. Denton of 504 West Mulberry Street, Pinckneyville, Ill. At the present time Howard Carl Kaiser with his wife and daughter reside at 1942a Arsenal Street, St. Louis, Mo., and he is employed as a machinist at Sterling Aluminum Products, Inc., 2925 North Market Street, St. Louis, Mo.

Education

Kaiser attended grade schools at Waterloo, Ontario, and high school at Kitchener, Ontario, and he graduated from that school in 1939. He worked as a clerk of the Mutual Life Insurance Co. in Waterloo, Ontario, for a year and a half. Between 1941 and 1945 he learned the machinist trade in war industries in

Canada. From September 1945 until the spring of 1946 he attended courses in architectural engineering at Washington University, St. Louis, Mo.

Immigration to the United States of America

The first entry into the United States was in September 1945 on a student visa. Following the marriage it became necessary for Kaiser to return to Canada, since his visa was a student one, and he was not entitled to stay here permanently. Upon his return to Canada, Kaiser applied for an immigration visa at the American consulate of Toronto, Ontario, and later at the Immigration Service at Niagara Falls, N. Y. (October 2, 1950).

In connection with his application, Kaiser stated that in 1941 he had been hospitalized for 7 weeks at the Ontario Hospital, Hamilton, Ontario, for some mental ailment. This statement brought about the denial of the visa, on the ground that he was ineligible to enter the United States as an alien "who has had one attack of insanity."

His wife and daughter, who had accompanied him to Canada, returned to the United States, and Kaiser eventually followed them in an effort to clear his position. His last entry in the United States of America was made at Buffalo, N. Y., on or about July 1, 1952. He was then in possession of a Canadian passport valid until 1955, but had no American visa. In January 1953 he went with Mr. Walter B. Meyer, president of the St. Louis Metallizing Co., 625 South Sarah Street, St. Louis, Mo., where he was employed as a machinist, to the Immigration Service of St. Louis to endeavor to rectify his status in this country.

Kaiser was then placed under arrest and following a hearing on April 14, 1953, an order of deportation was entered on September 14, 1953, by the acting district director of the Kansas City District of the Immigration and Naturalization Service (File No. E–053–302). Throughout this period he has been released on conditional parole. The order of deportation was ordered withdrawn by the Board of Immigration Appeals on February 17, 1954, and Kaiser was authorized to depart from the United States voluntarily. The date for departure was set by the St. Louis office of the Immigration Service on June 2, 1954.

The alleged attack of insanity

The ruling that Kaiser is ineligible to enter the United States as an immigrant to the United States rests on what is now section 212 A (3) of the Immigration, Naturalization, and Nationality Act of 1952 which makes ineligible to receive an immigration visa "aliens who have had one or more attacks of insanity."

The applicability of this section is bottomed exclusively upon the fact that Kaiser was hospitalized in the Ontario Hospital for the period April 6 to May 30, 1941, on a diagnosis of manic depressive illness. After his discharge from the hospital he has had no further mental trouble or ailment of any kind for this whole 12-year period. Nor is there any history of mental disability whatever in his family. He is the only child, 1 male and 1 female having died at birth.

Dr. E. H. Parsons, a psychiatrist with offices at 457 North Kingshighway, St. Louis, Mo., to whom Kaiser was referred through his employer, has become well acquainted with him and has studied his case with painstaking care. Dr. Parsons has formed the definite opinion that Kaiser was never afflicted by insanity, but merely by an emotional disturbance, related to the death of his mother to whom he was very closely attached, and that the original diagnosis was a medical error. Dr. Parsons points particularly to the past history of Kaiser, to the promptness with which he was released from the hospital, to the fact that his recovery was complete, that no relapse has occurred over a period of 12 years, and that he is a perfectly normal man, in full possession and control of all his mental and physical faculties.

Statement from his employer shows that in his work Kaiser displays skill, ingenuity, accuracy, and ability far above average, and vouched for his reputation as to truthfulness, integrity, and good-humored nature. All persons who have become acquainted with Mr. Kaiser are confident that he would make a good citizen of the United States and of this community. Kaiser is recognized as a man of very strong religious beliefs which set the pattern of his life and daily conduct.

One of the fundamental principles of American society which is fully recognized in our immigration policy is to preserve the unity and integrity of the family. As the report of the House Committee on the Judiciary to accompany H. R. 5678 (which became Public Law 414 commonly referred to as the McCarran-Walter Immigration Act of 1952) states: "H. R. 5678 implements the underlying intention of our immigration laws regarding the preservation of the family unit."

Little Jennifer Kaiser is entitled to enjoy the privileges of her American citizenship here, without being deprived of her loving father. So is Imogene Kaiser entitled to live in her country of birth with her husband. This family is now on the verge of being wrecked by what appears to be a medical error and a technical impasse in changing hospital records in another country. This calls for the exercise of legislative discretion in the interest of the highest human and moral values.

Senator Thomas C. Hennings, Jr., has introduced in the Senate, S. 1080, a bill for the relief of the same beneficiary. In view of the fact that the committee is reporting H. R. 958 favorably, the bill, S. 1080, will be indefinitely postponed.

The committee after consideration of all the facts in the case, is of the opinion that the bill (H. R. 958) should be enacted.

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MAY 16 1955

MAY 16 1955
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Calendar No. 307

84TH CONGRESS, 1st Session | SENATE | REPORT No. 298

MRS. ERATO ARANOPOULOU

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 971]

The Committee on the Judiciary, to which was referred the bill (H. R. 971) for the relief of Mrs. Erato Aranopoulou, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Erato Aranopoulou. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 63-year-old native of Turkey and citizen of Greece who last entered the United States on August 1, 1950, as a visitor. The beneficiary is a widow and since her admission into the United States she has resided with her daughter, who is a naturalized citizen of the United States, and son-in-law. The beneficiary is under a doctor's care for a heart condition, and she is dependent upon her daughter and son-in-law for support. She has no other living relatives, and her daughter and son-in-law state that they are able and willing to support and maintain the beneficiary for the rest of her life.

A letter, with attached memorandum, dated July 3, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 3558, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

JULY 3, 1953.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3558) for the relief of Mrs. Erato Aranopoulou, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary. According to the records of the Service, the correct spelling of the beneficiary's last name is Aronopoulo.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Turkey, which is oversubscribed. However, she is the beneficiary of a visa petition which has been approved to accord her a preference in the issuance of an immigrant visa.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ERATO ARONOPOULO, BENEFICIARY OF H. R. 3558

Mrs. Erato Aronopoulo, a native of Turkey and citizen of Greece, was born on December 10, 1892. She entered the United States at New York, N. Y., on August 1, 1950, and was admitted as a visitor until December 1, 1950. She received several extensions of stay, the last of which expired on August 1, 1952. In deportation proceedings, she was found to be subject to deportation on the ground that, after admission as a visitor, she had failed to comply with the conditions of that status. She was given the privilege of departing voluntarily from the United States on or before July 21, 1953.

Since her arrival in the United States, Mrs. Aronopoulo has been visiting her daughter, Mrs. Nathalie Caras, who resided in Hartford, Conn. Mrs. Aronopoulo is under a doctor's care for a heart condition. She has not been employed in the United States and is dependent upon her daughter and son-in-law for support. Mrs. Caras is her only living child.

Mrs. Aronopoulo's husband, Sotirios Aronopoulo, died during the First World War while serving in the Turkish Army. During her married life Mrs. Aronopoulo lived in Istanbul, Turkey, where she continued to reside until 1924. From then until her entry into the United States, she resided in France. While she was able to work, Mrs. Aronopoulo was employed in France as a domestic servant. Thereafter she was supported by her son-in-law and daughter, Mr. and Mrs. George Caras. Mr. Caras operates a diner in Hartford, Conn., and has an annual income of approximately $6,000.

Mrs. Caras was naturalized as a citizen of the United States on December 8, 1950. She filed a petition for issuance of an immigration visa in behalf of her mother, which was approved on May 1, 1952, to accord the beneficiary a first preference under section 6 (a) (1) of the Immigration Act of 1924. Mrs. Aronopoulo has been in communication with the consulate general of the United States at Montreal, Canada, with reference to the issuance of a preference quota visa.

Congressman Thomas J. Dodd, the author of the bill, wrote to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives with reference to the case, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 7, 1955.

HON. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: With reference to my bill, H. R. 971, for the relief of Mrs. Erato Aranopoulou, I submit for the committee's consideration the following pertinent facts:

1. The beneficiary, having lost her husband during World War I, lost her entire family with the exception of 1 daughter and 2 nieces, when they were massacred during the war between the Greeks and Turks.

2. Mrs. Aranopoulou is presently residing with her only daughter, Mrs. George Caras, a naturalized citizen, in Hartford, Conn.

3. If forced to leave this country, this aged woman, who is over 60 years old, would have no place to go and there would be no one with whom she could live. It would therefore be necessary for the surviving daughter to break up her home in order to accompany her mother and care for her.

4. Mrs. Aranopoulou is wholly dependent upon her daughter and son-in-law for support and needs the care and comfort which they, as her only close relatives, can provide.

5. It would impose a terrible hardship upon this family if they were to be separated.

6. Documents in support of this case have been placed on file with the committee.

For the aforementioned reasons, I consider this case to be unusually meritorious and hope the committee may find it possible to take favorable action.

Verty truly yours,

THOMAS J. DODD, M. C.

In addition, Congressman Dodd submitted the following affidavit in support of the bill:

AFFIDAVIT OF SUPPORT

In re Assumption of Responsibility for Erato Aranopoulou, 50 Newberry Street, Hartford Conn.

JANUARY 4, 1955.

STATE OF CONNECTICUT,
County of Hartford, ss:

We, the undersigned, George and Nathalie Caras, husband and wife, being duly sworn, do hereby depose and state:

That we reside at 50 Newbury Street, in the city and county of Hartford, in the State of Connecticut; that I, George Caras, 56 years of age, am a citizen of the United States through naturalization held on September 30, 1929, at the United States District Court of Newark, N. J., and was granted certificate No. 3160173; that I, Nathalie Caras, 43 years of age, am a citizen of the United States through naturalization held on December 8, 1950, at the United States District Court of Hartford, Conn., and was issued certificate No. 6822598; that we have no dependents other than Erato Aranopoulou, 63 years of age, mother to Nathalie Caras;

That we wish to have Erato Aranopoulou make her permanent home with us and wish to assure the proper authorities that we are willing and able to support and maintain her for the rest of her life; that we have ample room to accommodate her; that we shall see to it that she is comfortable in every way;

That I, Nathalie Caras, am only living child of Erato Aranopoulou; that she has no other relatives;

That I, George Caras, own an interest in the Washington Diner and Restaurant, of Hartford, and during 1954 received an income of $8,908.32; that my stock interest in the Washington Diner, Inc., is valued at $11,492.89; that I have on deposit with the Connecticut Bank & Trust Co., of Hartford, the sum of $6,033.41; that I have on deposit with the Society for Savings Bank of Hartford the sum of $7,801.05; that I hold additional assets and have no outstanding debts;

That we, the undersigned affiants, do wish to assure that we will never permit Erato Aranopoulou to become a charge upon the Government of the United States, nor of any State, county, or municipality therein in any way whatsoever; that she will enjoy a fine home here with us, and will be taken care of in every way.

NATHALIE CARAS.
GEORGE CARAS.

Subscribed and sworn to before me on this 4th day of January 1955.

[SEAL] CHARLES W. COBB, *Notary Public.*

My commission expires April 1, 1957.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 971) should be enacted.

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Calendar No. 308

84TH CONGRESS, 1st Session | SENATE | REPORT No. 299

MAY 16 1955
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MRS. FRANCISKA MIHALKA

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 976]

The Committee on the Judiciary, to which was referred the bill (H. R. 976) for the relief of Mrs. Franciska Mihalka, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Franciska Mihalka. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is an 82-year-old native and citizen of Austria, who last entered the United States on December 12, 1949, as a visitor. She is a widow, and resides with her daughter. The beneficiary also has a son who is a United States citizen, and upon whom she depends for support. He is able and willing to care for her during her remaining years of life. The beneficiary also has one son who resides in Venezuela.

A letter, with attached memorandum, dated December 4, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of the Immigration and Naturalization Service with reference to H. R. 6753, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

DECEMBER 4, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6753) for the relief of Franciska

Mihalka, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It directs that one number be deducted from the appropriate quota.

As a quota immigrant the beneficiary would be chargeable to the quota of Austria.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. FRANCISKA MIHALKA, BENEFICIARY OF H. R. 6753

Franciska Mihalka, maiden name Goedel, a native and citizen of Austria, was born in Vienna, Austria, on October 9, 1872. Her last residence abroad was in Caracas, Venezuela. She was admitted at Boston, Mass., on December 12, 1949. She was admitted as a temporary visitor. This is her only entry to the United States. She received extensions of stay, the last of which expired on June 12, 1952. Because of her age and physical condition and because she agreed to depart voluntarily from the United States, no deportation proceedings have been instituted.

Mrs. Mihalka is dependent for her support on her three children. She is presently residing with a daughter, Ilona Mihalka, in Norwalk, Conn. A son, Arthur M. Maroth of Wilton, Conn. is a naturalized United States citizen. Mrs. Mihalka, who is a widow, has another son, Carlos Mihalka, a resident of Caracas, Venezuela. She has had the equivalent of a high-school education.

Congressman Thomas J. Dodd, the author of the bill, wrote to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 7, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
Committee on the Judiciary,
Washington, D. C.

DEAR MR. CHAIRMAN: With reference to my bill, H. R. 976, for the relief of Mrs. Franciska Mihalka, I submit for the committee's consideration the following pertinent facts:

1. The beneficiary, a native of Vienna, Austria, immigrated to the United States from Caracas, Venezuela, was admitted on a visitor's visa, and desires to be granted permanent residence.

2. Mrs. Mihalka, a widow in her 83d year, is the mother of a naturalized citizen, Mr. Arthur Maroth of Wilton, Conn. Mr. Maroth is a reputable and successful inventor.

3. Due to her advanced years, the alien is physically incapable of caring for herself and desires to spend the remaining few years of her life with her son.

4. She is totally dependent upon her son for support, who is willing and well able to provide for her.

5. There are no deportation proceedings pending in this case, as Mrs. Mihalka has agreed to depart voluntarily.

For the aforementioned reasons, I consider this case to be unusually meritorious and hope the committee may find it possible to take favorable action.

Thanking you for your consideration, I am

Very truly yours,

THOMAS J. DODD, M. C.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 976) should be enacted.

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Calendar No. 309

84TH CONGRESS, 1st Session | SENATE | REPORT No. 300

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DR. LYCOURGOS E. PAPADAKIS

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 984]

The Committee on the Judiciary, to which was referred the bill (H. R. 984) for the relief of Dr. Lycourgos E. Papadakis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Lycourgos E. Papadakis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 39-year-old native and citizen of Greece, who last entered the United States on November 8, 1950, as a trainee-exchange visitor. He is the husband of a lawfully resident alien, whom he married in Greece in 1945. The beneficiary is a physician and is presently employed at the Bronx Hospital in New York City as an assistant pathologist, where it is stated that his services are urgently needed.

A letter, with attached memorandum, dated January 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 5545, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

JANUARY 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5545) for the relief of Dr. Lycourgos E. Papadakis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., Office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that 1 number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DOCTOR LYCOURGOS E. PAPADAKIS, BENEFICIARY OF H. R. 5545

The beneficiary, Dr. Lycourgos E. Papadakis, also known as Lycourgos Emanuel Papadakis, a native and citizen of Greece, was born on August 21, 1915. His only entry into the United States occurred on November 8, 1950, at New York, N. Y., at which time he was admitted as a trainee-exchange visitor for a period of 1 year. He received several extensions of his temporary stay, the last of which expired June 12, 1953.

Since he has failed to maintain the status under which he was temporarily admitted to the United States, the alien is subject to deportation.

The beneficiary was married in Greece on November 1, 1945, and resides with his wife, a legally resident alien, at 132 West 74th Street, New York City. He has two brothers who reside in Greece.

Dr. Papadakis testified that he attended the University of Athens in Greece and received the degree of doctor of medicine in 1939. He served honorably in the Greek Army from about 1939 to 1942 and again from 1948 to 1950. From 1942 to about 1948 the alien was employed at the Laikon Hospital in Athens, Greece.

He is presently employed as an assistant pathologist at the Bronx Hospital, Bronx, New York, and earns $350 a month.

Congressman Isidore Dollinger, the author of the bill, submitted the following statement in connection with the case:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 17, 1955.

Memorandum re H. R. 984 introduced by Isidore Dollinger for the relief of Dr. Lycourgos E. Papadakis:

Letter from Hon. Emanuel Celler, chairman of Committee on the Judiciary dated February 14, 1955, states that bill has been docketed for consideration by Subcommittee No. 1.

Dr. Papadakis is a Greek national; he entered country at port of New York on November 8, 1950, and has resided in New York City since then. He was admitted as an exchange student. His wife was admitted to United States on immigration visa and has taken out first citizenship papers in New York.

District director of immigration and naturalization in New York advises that Dr. Papadakis was accorded a formal hearing on the immigration warrant of arrest and that Dr. Papadakis was granted privilege of voluntary departure with additional proviso that order of deportation would be entered if he failed to take advantage of privilege of voluntary departure. By letter of September 1, the district director advised that an extension to March 1, 1955, has been granted him within which to effect voluntary departure from United States in view of private bill.

Dr. Papadakis has been engaged in specialized work and research under the direction of Dr. Joseph Felsen. Dr. Felsen, who died very recently, was an outstanding man in his field; he was director of pathology and of the laboratory at Bronx Hospital. The Federation of Jewish Philanthropies was instrumental

in erecting a new laboratory—which is now being completed at a cost of $1 million—so that Dr. Felsen might continue his research. Now that Dr. Felsen has died, it is expected that Dr. Papadakis will take over and continue the important work he has been doing under Felsen's direction in the past. Dr. Felsen urged me to help Dr. Papadakis because he was of great assistance to him; the hospital has advised that Dr. Papadakis is invaluable to them. His training has continued at the Bronx Hospital, he has made outstanding contributions in the field of medicine, and they cannot afford to lose him at this crucial time.

In view of Dr. Papadakis' contributions to science and his important post in Bronx Hospital—particularly in view of Dr. Felsen's death which requires that Dr. Papadakis carry on the work begun by Dr. Felsen, I am urging that favorable consideration be given my bill by the committee.

ISIDORE DOLLINGER, M. C.

In addition, Congressman Dollinger submitted the following letter from the Bronx Hospital where the beneficiary is employed:

THE BRONX HOSPITAL,
OFFICE OF THE DIRECTOR,
New York, N. Y., February 23, 1955.

Hon. ISIDORE DOLLINGER,
New House Office Building, Washington, D. C.

DEAR MR. DOLLINGER: This letter is intended to acquaint you with the urgent need we have for Dr. Lycourgos E. Papadakis' services in the department of pathology of the Bronx Hospital. This situation has become even more acute since the death of Dr. Joseph Felsen, the director of laboratories, on January 26, 1955.

Should we not be permitted to retain Dr. Papadakis' services, our department will be crippled, and as a consequence, the patients in the institution will be hurt.

Sincerely yours,

A. A. KARAN, M. D., *Director.*
ISADORE ROTHSTEIN, M. D.,
Acting Director of Laboratories.

In addition, the following letter dated February 25, 1955, was addressed to the chairman of the Committee on the Judiciary of the House of Representatives:

CITY OF BEACON, N. Y.,
OFFICE OF CITY ATTORNEY,
February 25, 1955.

Re H. R. 984.

Hon. EMANUEL CELLER,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: One of your former constituents, who now resides in this city, and who is a close personal friend and my physician, Dr. Irving Mond, has requested me to communicate with you with respect to the above bill which is also enclosed. His interest in Dr. Lycourgos E. Papadakis stems from his father-in-law, the late Dr. Joseph Felsin, the noted pathologist and gastroenterologist. During Dr. Felsin's lifetime he took a great interest in Dr. Lycourgos E. Papadakis, who was an exchange student from Greece and who showed exceptional promise in the field of pathology and it had been Dr. Felsin's intention to train this young man with him in the field of pathology. You may recall that Dr. Felsin was chief consultant for the United States Army on infectious diarrhea during the last war.

Unfortunately Dr. Felsin passed away several weeks ago, and his son-in-law feels that in deference to Dr. Felsin, he should present the proper outlook to your committee which would have been done by the late Dr. Felsin had he lived. This young Dr. Lycourgos E. Papadakis shows outstanding promise in the field of pathology and would, it is felt, make a great contribution to scientific advancement in this field. In addition his wife is in the United States under quota, and permitting Dr. Lycourgos E. Papadakis permanent residence would avoid a hardship. As far as my friend knows, Dr. Lycourgos E. Papadakis bears an excellent reputation with no detrimental actions or habits.

Any consideration you can give to this bill would be greatly appreciated in the light of the foregoing.

Thanking you for your courtesy in this matter, I am,

Very truly yours,

MILTON L. EPSTEIN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 984) should be enacted.

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MAY 16 1955

Calendar No. 310

84TH CONGRESS, 1st Session } SENATE { REPORT No. 301

MAY 16 1955 LAW LIBRARY

ALEXANDER TURCHANINOVA

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1008]

The Committee on the Judiciary, to which was referred the bill (H. R. 1008) for the relief of Alexander Turchaninova, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Alexander Turchaninova. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 9-year-old native of Czechoslovakia, who last entered the United States on December 12, 1948, as a visitor accompanied by his mother, who was admitted to the United States for permanent residence, as the wife of a United States citizen, whom she had married while he was stationed in Germany as a member of the Armed Forces. They were subsequently divorced in 1952, and she married Nicholas Fraracci, also a United States citizen. Mr. Fraracci has instituted proceedings to adopt the beneficiary of the bill. Both the mother and stepfather are well thought of in the community in which they reside.

A letter, with attached memorandum, dated December 24, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 6631, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 24, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6631) for the relief of Alexander Turchaninova, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Norfolk, Va., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Czechoslovakia.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALEXANDER TURCHANINOVA, BENEFICIARY OF H. R. 6631

Alexander Turchaninova, a subject of Czechoslovakia, was born in Prague, Czechoslovakia, on September 23, 1945. His last residence abroad was in Stuttgart, Germany. He entered the United States at New York, N. Y., on December 12, 1948. He was admitted as a temporary visitor accompanied by his mother, Elena Fraracci, who was lawfully admitted to the United States for permanent residence. He was admitted until March 11, 1949, to adjust his immigration status. Deportation proceedings have been instituted, and he has been found to be deportable from the United States on the ground that at the time of entry he was an immigrant not in possession of a valid immigration visa. He was granted the privilege of preexamination for the purpose of adjusting his immigration status, and given until August 19, 1953, within which to voluntarily depart from the United States, but he did not avail himself of this. A warrant of deportation is outstanding in this case.

Alexander Turchaninova has lived continuously with his mother in the United States at Palmetto, Fla.; Columbus, Ga.; Spring Lake, N. C.; and Richmond, Va. Alexander Turchaninova is an illegitimate child. His mother entered the United States as the wife of Columbus R. Hughes, a citizen of the United States, and a former member of the Armed Forces, whom she divorced February 4, 1952, and then married Nicholas Richard Fraracci, the present sponsor for Alexander Turchaninova, on May 1, 1952. Adoption proceedings have been instituted but have not been completed by Nicholas Richard Fraracci.

Alexander Turchaninova is a student in the third grade of the Richmond public schools, and is dependent entirely upon his sponsor, Nicholas Richard Fraracci, for his support. He has no near relatives residing outside the United States.

Nicholas Richard Fraracci was born in Brooklyn, N. Y., on June 23, 1930. He is employed by the Universal Motor Co., of Richmond, Va., and earns about $90 a week. He owns a car valued at $850 and has savings totaling $650 and furniture valued at $350. He served in the United States Army from September 7, 1949, to January 21, 1953, at which time he was honorably discharged (RA–12324939).

Congressman J. Vaughan Gary, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified as follows in support of the bill:

I believe I can summarize for you in a very few words the distressing circumstances which have led up to my introduction of a private bill for the relief of Alexander Turchaninova, a 9-year-old boy now living in Richmond, Va., in my district.

The child's mother was born in Poland, but her childhood was spent in Czechoslovakia. This little boy was born in Czechoslovakia in 1945, at the end of World War II. The mother married an American GI in Germany in 1948 and came legally to the United States in December of that year, with her son and husband. The child, however, entered on a temporary visa, unlike the mother, and through

her ignorance it was not extended or adjusted. This marriage was not successful, and a divorce resulted. The woman and her child were left in a very precarious position in this country, but in 1952 she married again, to another soldier, who is now out of the service and making a successful living as an automobile mechanic in Richmond, Va. This marriage has worked out very well over the past 3 years, so much so that a Richmond court recently approved the legal adoption of the child by his present stepfather. I am sure we all know the extensive investigations which precede adoption actions. I have personally read the social-service report on this family, which I have here before me, available for the committee, and wish to say that it is a moving document indeed. The stepfather and stepson have a genuine affection for each other, and every aspect of the family's life is religious, wholesome, and economically sound.

The necessity for this special legislation would not have arisen if the mother had realized that the boy's immigration status should have been adjusted prior to December 24, 1952. Discovery of the child's illegal status came about as a result of inquiries made by his mother and stepfather while gathering evidence for use in the adoption proceedings which have since been successfully concluded.

Certainly, there is nothing to be gained and a great deal to be lost if an attempt is made to deport to Czechoslovakia this 9-year-old boy now legally adopted by an American war veteran and living in a happy American home. Therefore, I have presented this special bill for your consideration, supported by the most touching testimony of endorsement by the church people, neighbors, social workers, and court authorities who have been connected with this family.

In addition, Congressman submitted the following letters and statements in support of the bill:

COMMONWEALTH OF VIRGINIA,
COUNTY OF HENRICO,
Richmond, Va., January 25, 1954.

Re Fraracci, Nicholas and Helen, 1818 Rockwood Road. Adoption of Alexandria Turchaninova.

Hon. W. MOSCOE HUNTLEY,
State-Planters Bank Building, Richmond, Va.

DEAR MR. HUNTLEY: This will confirm our telephone conversation of this date in regard to the above-styled case. Our adoption study is now complete with the exception of two references which we anticipate receiving this week. Our papers will then be forwarded to the State commissioner.

As per your request, we are sending an additional copy of our study to the commissioner so that it may be forwarded to you.

If we can be of further assistance, please let us know.

Very truly yours,

MRS. DOROTHY L. WILKINSON,
Child Welfare Worker.

Case No. 5904. Race: White.

Identifying information

Fraracci, Nicholas, and Helen Turchaninova, 1818 Rockwood Road, Berkley Park (Shipwith Road), Richmond, Va.

Adoption of Alexandria Turchaninova (September 23, 1945). Your case No. 11,974.

Background

Adoptive father: Nicholas Fraracci, the son of Adam and Amelia Fraracci, was born June 23, 1930, in Brooklyn, N. Y. His mother died several years ago. Mr. Fraracci has six siblings. He is of Italian descent.

Adoptive father attended parochial schools in New York and completed 2 years of high school. He was in the Armed Forces 3½ years and was discharged with an honorable discharge.

Mr. Fraracci is 5 feet 10 inches and weighs 170 pounds. He has brown curly hair, brown eyes, and a medium complexion. He was neat in appearance, spoke well, and was most cooperative in giving worker the required information. He expressed real feeling and affection for his wife's child and feels the boy resembles him, having his temperament and disposition.

For more than a year adoptive father has been employed by the Universal Motor Co. as a body and fender man, earning an annual income of $4,970. He carries $10,000 GI insurance and maintains hospitalization on the family.

Mother: Helen Turchaninova Fraracci was born June 28, 1923, in Poland. Her parents, now deceased, were Alexander and Sophia Turchaninova. Mrs. Fraracci has one married sister living in Argentina. Mrs. Fraracci says her parents were of Russian extraction. Her early childhood was spent in Czechoslovakia and her young adulthood in Germany.

Mrs. Fraracci says she completed high school and has the equivalent of 2½ years of college. She states she earned her own living by acting in the movies, beginning at age 5. Her last movie was in the late thirties.

Alexandria Turchaninova was born September 23, 1945, in Czechoslovakia and is an illegitimate child. Mrs. Fraracci appeared reluctant to discuss the alleged father and we did not pursue the matter.

Mrs. Frarraci married Columbus R. Hughes in Stuttgart, Germany, April 11, 1948 (v.). He was a GI stationed in Germany. On December 12, 1948, Mr. Hughes returned to this country with his wife and stepson, Alexandria. The child was admitted to this country on a temporary visa which should have been renewed or extended in 6 months. This was not done and the child, therefore, is here illegally and at present has no legal status. It is our understanding from the Fraraccis' attorney, Mr. W. Moscoe Huntley, that special legislation will be introduced by Hon. J. Vaughan Gary to the Congress, which, if passed, will enable the child to become a citizen. The Fraraccis are hopeful that his matter will be cleared up shortly.

Mrs. Fraracci says her marriage to Mr. Hughes was a series of battles from the beginning. Whenever they disagreed, he threatened to have her deported. The couple settled with his relatives in Georgia; however, they did not accept her, called her a Communist, and generally were very abusive in their treatment.

There were twins, Patricia and Randolph Bill, born of this union. Mrs. Fraracci says her husband did not want the children and treated them unkindly but she could do nothing about the situation because of her limited knowledge of the language and the customs.

On February 4, 1952, Mr. Hughes secured a divorce in the Muscogee Superior Court in Columbus, Ga. (v.), and was given custody of the two children. Mrs. Fraracci states she was unable to contest the divorce because of her lack of funds. Her husband with threats forced her to agree to the divorce.

Mrs. Fraracci expressed her concern for the twins. She has seen them once since the divorce and has been told reliably that her former husband has enlisted again, placing the children with his sister, Mrs. Lucille Thompson, in Palmetto, Fla. Mrs. Fraracci has asked worker to secure information about the children and we plan to request such information from the welfare department in Florida.

The Fraraccis were married May 1, 1952, in Chesterfield, S. C. (v.). Mrs. Fraracci met her husband while he was stationed in Georgia with the Army. The couple lived a short time in North Carolina before coming here, where it was felt job opportunities would be better.

Mrs. Fraracci has a very pleasing manner. Her accent is noticeable but her command of the English language is good. She is 5 feet 5 inches and weighs 130 pounds. She has bleached blond hair, blue eyes, and flawless complexion. She is pretty in an exotic way. Like her husband, Mrs. Fraracci was most cooperative and willing to discuss the early unpleasantness of her first marriage. The Fraraccis appear to be well adjusted emotionally. They were most enthusiastic in discussing the boy and their plans for him.

The home

This couple are buying their home at 1818 Rockwood Road, which is located in a new subdivision. Mr. Fraracci secured a GI loan in the amount of $9,200. The white frame bungalow contains five fair-sized rooms and while it is sparsely furnished, the furnishings seem adequate, and it was neat and clean.

Religion

The Fraraccis are Catholic and attend St. Bridget's Parish. The couple requested that we not contact Father Byrnes as he is not familiar with the child's background and they do not wish him apprised of it.

Adoptive child

Alex attends the third grade at St. Bridget's Parochial School. His grades are acceptable according to adoptive parents. They describe the youngster as being typically American. He enjoys the comics, movies, and television. Alex has many playmates at school and is accepted in the community.

Occasionally Mrs. Fraracci speaks to him in German but he has recently asked her to speak to him only in English as he has forgotten a good deal of his German.

Then, too, he is somewhat embarrassed when she addresses him in public in German.

Alex has his own bedroom which he decorates to suit his own tastes. He had numerous toys around the house. He has a small mongrel puppy whom he adores. This child appears to be enjoying the advantages commensurate with the economic status of the family.

References

Mr. J. A. Schwalm, president of the Universal Motor Co., states: "Mr. Nicholas Fraracci came with us on February 2, 1953. According to our employment records he came direct to us from the Army. Since that time he has made himself a very valuable employee, being punctual, having a pleasant personality, and is liked by his fellow employees as well as his superiors. His average earnings for the 11 months of 1953 were slightly over $450 a month. The writer has not had the opportunity of acquainting himself with his home conditions but did inquire through Mr. B. C. Boesser, our operations manager, who recommends him most highly. Mr. Boesser states he has not visited inside the home but has met Mrs. Fraracci and gets the impression that he and Mrs. Fraracci are very clean livers, as well as religious, and has every reason to believe that the adoptive child will have a good home.

"As further information we might advise that we made our usual investigation when he applied for employment, one being with his captain as well as his top sergeant, both of whom recommended him highly as to character and loyalty, also as to performance of assignments."

Mr. Howard T. Dunn, 1413 Landis Drive, wrote us: "In reference to your letter of January 20 concerning information of Mr. and Mrs. Fraracci, I wish to state that I have worked with Mr. Fraracci for the past year. In my opinion he is very conscientious, recognizes his responsibilities, and can be trusted to meet any obligation. As far as I know, he has good character and in my opinion they have capabilities as prospective adoptive parents."

Mr. Burton C. Boesser, Skipwith Road, states: "In answer to your communication the writer is familiar with Mr. and Mrs. Fraracci, both as neighbor and as supervisor.

"Mr. Fraracci makes a good weekly wage and his wife seems to be a good manager. Their moral standards are very good and, in the writer's opinion they are making very good parents.

"The child in question is now living with them and is being sent to private school and seems very happy. I heartily recommend this adoption being permitted."

D. WILKINSON.

JANUARY 26, 1954.

UNIVERSAL MOTOR CO., INC.,
Richmond, Va., January 25, 1954.

Hon. J. VAUGHAN GARY,
United States Representative,
Washington, D. C.

SIR: I have been in conversation with our mutual friend, W. Moscoe Huntley, in regards to Nicholas R. Fraracci, who is trying to straighten out the citizenship status of the boy brought to this country by him, and I am enclosing a copy of letter I wrote the Welfare Department of Henrico County in regard to the same case.

This letter will indicate that he is taking the necessary steps to adopt the child, and, in my opinion, as therein stated, the boy will have good parents and will be brought up as a good Christian and citizen.

Very truly yours,

UNIVERSAL MOTOR CO., INC.,
J. A. SCHWALM, *President.*

JANUARY 21, 1954.

Mrs. DOROTHY L. WILKINSON,
Child Welfare Worker, Henrico Public Welfare,
Richmond, Va.

DEAR MRS. WILKINSON: Mr. Nicholas Fraracci, of 1818 Rockwood Road, came with us on February 2, 1953. According to our employment records he came direct to us from the Army. Since that time he has made himself a very valuable

employee, being punctual, having a pleasant personality, and is liked by his fellow employees as well as his superiors.

His average earnings for the 11 months of 1953 were slightly over $450 per month.

The writer has not had the opportunity of acquainting himself with his home conditions, but did inquire through Mr. B. C. Boesser, our operations manager, who recommends him most highly. Mr. Boesser states he has not visited inside his home but has been to his home, has met Mrs. Fraracci, and also frequently rides with him back and forth to work, and gets the impression that he and Mrs. Fraracci are very clean livers, as well as religious, and has every reason to believe that the adpotee will have a good home if the adoption is approved.

As further information we might advise that we made our usual investigation when he applied for employment, one being to his captain as well as his top sergeant, both of whom recommend him highly as to character and loyalty, also as to performance of asignments.

In conclusion, we might say that we regard him as the better type of employee, and are hopeful of retaining him as a member of our personnel for many years to come.

Very truly yours,

UNIVERSAL MOTOR CO., INC.,
J. A. SCHWALM, *President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1008) should be enacted.

O

Calendar No. 311

84TH CONGRESS, 1st Session | SENATE | REPORT No. 302

MAY 16 1955
LAW LIBRARY

WILLIAM LIGH

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1009]

The Committee on the Judiciary, to which was referred the bill (H. R. 1009) for the relief of William Ligh, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to William Ligh. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native of the Portuguese possession of Macau and a Portuguese citizen, who last entered the United States on September 15, 1948, as a student. The beneficiary attended the University of Richmond, Richmond, Va., from September 1948 to June 1952, at which time he received a bachelor of arts degree. Since that time the beneficiary has been employed as a minister by the Richmond Baptist Association working with the Chinese population of the city of Richmond, Va. A number of religious and civic leaders in Richmond have joined with the Richmond Baptist Association and urged that the beneficiary of the bill be allowed to remain in this country and continue his work in the ministry.

A letter, with attached memorandum, dated November 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 9126, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 1, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9126) for the relief of William Ligh, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Norfolk, Va., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant, he would be chargeable to the quota for Chinese.

Sincerely,

————————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE WILLIAM LIGH, BENEFICIARY OF H. R. 9126

William Ligh, a Portugese citizen, was born in Macau, Portugese possession, on April 24, 1926. His last residence abroad was Hong Kong, China. He entered the United States at San Francisco, Calif., on September 15, 1948. He was admitted as a student for the purpose of attending Richmond University, Richmond, Va. This is his only entry into the United States. He received extensions of stay, the last of which expired on May 17, 1954. He submitted an application for adjustment of status under section 6 of the Refugee Relief Act of 1953 which was denied on March 19, 1954. Deportation proceedings have been instituted and he has been found to be deportable from the United States on the ground that, after admission as a student, he failed to maintain the status in which he was admitted. A warrant of deportation has not been issued in his case.

Mr. Ligh attended the University of Richmond, Richmond, Va., from September 1948 until June 1952, at which time he received a B. A. degree. Since that time he has been employed by the Richmond Baptist Association at Richmond, Va. as a minister, working with the Chinese population of that city. His earnings are $200 per month. His personal assets are valued at approximately $3,000.

Mr. Ligh is unmarried and has no one dependent upon him for support. He has no near relatives in the United States. His father, mother, and two sisters are presently residing in Canton, China. He resided in Macau from birth until 1935, and from 1935 until his departure for the United States in 1948, he resided in China.

Congressman J. Vaughan Gary, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified as follows in support of the bill:

STATEMENT OF REPRESENTATIVE J. VAUGHAN GARY

I am the sponsor of H. R. 1009, for the relief of William Ligh, of Chinese extraction. He is a former student of the University of Richmond in Richmond, Va., and is a full-time employee of the Richmond Baptist Association, as director of the work of this association in the Chinese colony in the city. He is strongly recommended by the Richmond Baptist Association as doing a fine work in converting our Chinese-Americans both to Christianity and to the American way of life.

Mr. Ligh is one of the Chinese students who came to this country on student visas prior to the advent of Communist rule in China, and his parents are believed to be still in Canton, behind the Bamboo Curtain. He is thoroughly Americanized and anxious to stay in this country and continue his good works here. I am sure we are all familiar with the fact that the United States is detaining some Chinese students who want to go back, whereas we are apparently deporting some who wish to stay.

Mr. Ligh's case is very much complicated by the fact that he was born in Macao, the Portuguese island 50 miles from the mainland, because of his father's

temporary employment at that place at that time. He left Macao as a small child, and his last actual place of residence with his family was in Canton, China, where he graduated from high school. He went from Canton to Hong Kong in 1948, for the purpose of arranging to come to the United States for his college education, and he landed at San Francisco on September 15 of that year.

The Immigration and Naturalization Service has technically ruled, therefore, that he is able to return to the country of his birth, which is Macao, a Portuguese possession, or to the country of his last residence, which is Hong Kong. This is simply not realistic.

Last year, when I was working on evidence for this bill, I discussed conditions in Macao and Hong Kong informally with representatives of the Department of State. I find that there are few Chinese in Macao, and that the situation there is such that a person of Mr. Ligh's nationality, background, and language could not be expected to find any suitable employment. Insofar as Hong Kong is concerned, I understand that the British authorities there are not disposed to admit such persons as Mr. Ligh to that already overcrowded area, since he is not a citizen by birth, but only entered the colony for the purpose of receiving a student visa from the United States consul there.

I would like to say that in addition to the merits of Mr. Ligh's case as an individual matter, I do believe that sending pro-American Chinese students of this type back to China against their wishes plays right into the propaganda hands of the Communists.

Fourteen prominent ministers of Richmond who are personally familiar with Mr. Ligh's fine work, have petitioned me for action to allow him to remain legally in the United States. I will file with the committee some of the letters which I have received and I invite your attention particularly to the letter from Paul E. Crandall, executive secretary of the Richmond Baptist Association, by which Mr. Ligh is at present employed.

In addition, Congressman Gary submitted the following letters in support of his bill:

RICHMOND BAPTIST ASSOCIATION,
Richmond, Va., March 8, 1955.

Hon. J. VAUGHAN GARY,
House of Representatives,
The Capitol, Washington, D. C.

DEAR MR. GARY: I wish it were possible for me to be present in the Nation's Capital on Thursday, March 10, to appear before the Immigration Subcommittee in regard to their favorable consideration of your congressional bill entitled "A bill for the relief of William Ligh" (formerly H. R. 9126, 83d Cong., 2d sess.). As explained in our telephone conversation of March 7, I will be unable to be present, but request you submit this letter to the subcommittee as my personal testimony in behalf of Mr. Ligh. As your files will reveal, a number of prominent religious and civic leaders have previously joined in the request that Mr. Ligh be given permanent residence in the United States and full citizenship. I am confident their desires still obtain and they will all be in accord with a favorable decision by the Congress in passing your bill to give Mr. Ligh his citizenship status.

Mr. Ligh attended the University of Richmond and later the Richmond Professional Institute (the local division of the College of William and Mary). He received a degree from the latter institution. In 1951 he became a member of the staff of the Richmond Baptist Association and now serves in a full time capacity. He is in charge of the ministry of the association to several hundred local Chinese. His work is under my personal supervision, and I am very pleased to outline some of the principal areas of work he accomplishes among the Chinese in our midst.

1. He directs the work of the Chinese Baptist Congregation which meets regularly for worship. He assists the Chinese in their relationships to our local Baptist churches. A number of the adults and youth have become affiliated with our local Baptist churches and thus have been greatly helped in being assimilated happily in our American community life.

2. He teaches our Chinese children's afternoon school on Monday, Wednesday, and Friday. There are enrolled about 25 Chinese boys and girls from all over our city. Not only do these youngsters receive religious instruction and English lessons, etc., but they are helped in finding their place with the American boys and girls with whom they play and go to school.

3. He renders a sincere service to the Chinese through his visits to the sick, the aged, the troubled, etc. Here again his work has a vital part in helping the Chinese to have an understanding friend when they need to be assisted in working out the details of a hospital experience, bereavement, etc. His work greatly aids

our institutional administrators in their business dealings with the Chinese. This has its part in aiding the Chinese as they become more adjusted to our community life. A number of the Chinese are among our fine citizens.

4. Among his latest services is to a group of teen-age Chinese boys who now have a recreational club. Through clean sports and other activities, we are trying to help these Chinese lads develop the American concept of clean sportsmanship and fair play. Next fall they will enter a basketball team in our regular community leagues.

The Richmond Baptist Association is an association of 46 Baptist churches and chapels in the city of Richmond, consisting of 39,350 members. The association is also part of the Baptist General Association of Virginia (400,000 members), the Southern Baptist Convention (8,000,000 members) and our World Fellowship is represented in the Baptist World Alliance with headquarters in Washington, D. C.

In behalf of the Richmond Baptist Association, as its executive secretary, I express our sincere hope that favorable consideration will be given to a bill for the relief of William Ligh and the Congress will soon grant to Mr. Ligh his full citizenship status.

With kindest personal regards,

Sincerely yours,

The Richmond Baptist Association,
Paul E. Crandall, *Executive Secretary.*

U. S. S. "Intrepid" (CVA–11),
Care of Fleet Post Office,
New York, N. Y., February 7, 1955.

Hon. J. Vaughan Gary,
House of Representatives, Washington, D. C.

My Dear Mr. Gary: This letter concerns one William Ligh, a 28-year-old Chinese resident of Richmond, Va.

I attended the University of Richmond and knew William Ligh well. We were freshmen together and I had the opportunity of living in the same dormitory with William, taking the same classes with him, and have engaged in conversations with him on numerous occasions. He is, in my mind, a very clean-cut boy who is serious and was very studious. I can recall so vividly his good sense of humor and that he was well thought of by his colleagues. Surely your own son, a brother Fiji, can vouch for him in this same capacity. He was liked by his professors and studying seemed to be his primary concern.

It is my sincere wish that legislation is passed, initiated by you, to keep William here. He deserves to remain in the United States as far as his character is concerned I believe. I would hate very much to see William Ligh deported to China in view of the tension which now exists in that part of the world.

William, to my knowledge, is innocent of communism and is very American in his thinking. So why deport a loyal, Americanized-thinking Chinese who wants to remain in the United States, one who came to this country and has progressed so far? It seems to me that the lawmakers of this country would, though, initiate some sort of legislation which would more readily deport Communists who have been convicted, and tighten down on those convicted only circumstantially. But not William Ligh who came to America, mastered the English language, and worked hard to obtain his degree at the University of Richmond, Va. Please don't deport William Ligh who has, to my knowledge, no blemish of character.

Very truly yours,

Mason D. Wood.

Norview High School,
Norfolk, Va., January 28, 1955.

Hon. J. Vaughan Gary,
United States House of Representatives,
Washington, D. C.

Dear Congressman Gary: I read in this afternoon's News-Leader where you are amid action to prevent the deportation of William Ligh.

When I was a graduate student at the University of Richmond, it was my pleasure to be around Bill and I can report to you that he was a Christian gentleman whose presence in this country is an asset.

He was active in our campus religious life and was beginning his work among the Chinese of Richmond at that time.

I sincerely trust your efforts will be met with success.

With every good personal wish, I remain,

Very truly yours,

HAL JAMES BONNEY, JR.,
Department of History.

MONUMENT HEIGHTS BAPTIST CHURCH,
Richmond, Va., May 20, 1954.

Hon. J. VAUGHAN GARY,
House of Representatives,
Washington, D. C.

DEAR SIR: This letter is to express my appreciation of your offer to introduce a special legislation in Congress to permit William Ligh, a native of China to remain in this country or to become a United States citizen.

Mr. Ligh is doing a very worthy work on the associational staff of the Richmond Baptist Association among Chinese families in Richmond. We would like very much to have him remain in this capacity. Any service you can render will be greatly appreciated.

Sincerely yours,

DAVID F. WHITE, *Pastor.*

FIRST BAPTIST CHURCH,
Richmond, Va., May 6, 1954.

Hon. J. VAUGHAN GARY,
House of Representatives, Washington, D. C.

DEAR VAUGHAN: William Ligh has told me about his difficulty with reference to permanent status in this country. I certainly hope that you can arrange for a special bill in Congress that will make it possible for him to stay in this country. I think he has proved worth as a citizen and is making a very real contribution to the Christian life of our community.

His leadership of his own people here has been marked with a high degree of devotion and success. I feel that he deserves special consideration and trust that you can help him to get it.

With all personal good wishes, I am

Cordially yours,

THEODORE F. ADAMS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1009) should be enacted.

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MAY 1 3 1955

Calendar No. 312

84TH CONGRESS, 1st Session | SENATE | REPORT No. 303

MAY 16 1955
LAW LIBRARY

BORIS IVANOVITCH OBLESOW

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1020]

The Committee on the Judiciary, to which was referred the bill (H. R. 1020) for the relief of Boris Ivanovitch Oblesow, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Boris Ivanovitch Oblesow. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native and citizen of Russia who now claims to be stateless. He last entered the United States at New York on January 29, 1948, as a quota immigrant. He has been found to be deportable because he obtained his visa by representing that he was born in Breslau, Germany, when he was actually born in Russia. He alleges that this misrepresentation was made because he feared deportation to Russia following World War II. Since his admission to the United States he has been attending school under the sponsorship of a United States citizen.

A letter, with attached memorandum, dated December 31, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 5841 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

55137—55—No. 210

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
December 31, 1953.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5841) for the relief of Boris Ivanovitch Oblesow, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Springfield, Mass., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon the payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Union of Soviet Socialist Republics.

Sincerely,

A. R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BORIS IVANOVITCH OBLESOW, BENEFICIARY OF H. R. 5841

Boris Ivanovitch Oblesow, a native and citizen of Russia (Union of Soviet Socialist Republics), was born April 10, 1932, in Stalingrad, Russia. His last residence abroad was Traunstein, Germany. He entered the United States at New York, N. Y. on January 29, 1948. He was admitted for permanent residence upon presentation of a quota immigration visa issued to him under the German quota by the American consulate at Munich, Germany, on December 23, 1947, he having fraudulently represented himself as being born in Breslau, Germany. This is his only entry into the United States.

Deportation proceedings have been instituted and he has been found to be deportable from the United States on the ground that at the time of admission to the United States he was an immigrant not of the nationality specified in his immigration visa as required by section 13 (a) of the act of May 26, 1924. He has been granted the privilege of departing voluntarily from the United States but to date has not availed himself of that privilege.

Boris Ivanovitch Oblesow entered the Mount Hermon School for Boys, Northfield, Mass., in September 1948, graduating in June 1952, when he was given a scholarship to Oberlin College, Oberlin, Ohio, which scholarship includes room, board, tuition, and other expenses, where he is presently in his sophomore year. During the past summer he attended summer classes at Middlebury College, Middlebury, Vt. Except for the past summer when he attended Middlebury College, he has been employed doing maintenance on a farm in connection with the Northfield School for Girls in Northfield, Mass., room and board being furnished by his unofficial guardian, Winthrop W. Sanderson, with whom he makes his home when he is not attending school. Mr. Sanderson has accepted all responsibility for the support and maintenance of the subject until he is able to support himself. Mr. Oblesow is unmarried and has no one dependent upon him for support. His only assets consist of $100 in the bank and personal effects valued at $200.

Congressman John W. Heselton, the author of the bill, submitted the following information to the House Committee on the Judiciary in connection with the bill:

SIMPSON, CLASON, CALLAHAN & GIUSTINA,
Springfield, Mass., June 16, 1953.

HON. JOHN W. HESELTON,
House Office Building, Washington, D. C.

DEAR JOHN: Today Mr. Sanderson, of the Mount Hermon School for Boys came to my office with his friend, Boris Ivanovitch Oblesow. They told me a very interesting story about the life of this young Russian. He was born in Stalingrad, on April 10, 1932. In 1942, a raid was made upon Stalingrad. This boy, who was then 10 years old, was in a bunker with his father and mother and two little brothers. One of the bombs from an airplane killed his mother and father and his two little brothers. Thereafter he wandered west from Stalingrad with displaced persons, and finally came to the office of Captain Sanderson in Traunstein, Germany.

The boy could speak Russian and Polish and fairly well in German. Captain Sanderson, who had lived as a boy in Whately among Polish people employed on his family's farm, could talk some Polish. The boy became very useful in acting as an interpreter with the German and Polish and Russians. It was then 1945 and the boy had become 13 years old. While in Stalingrad he had gone to school 3 years in the public schools. He attended some schools in Germany, but not for any great length of time—perhaps for 1 year altogether. When the war ended in 1945 and he went to work for Captain Sanderson, who was looking out for displaced persons and for Russians and other nationals living in that part of Germany, Captain Sanderson had been on active duty with his tank outfit under General Patton. Late in 1945 Captain Sanderson's outfit was sent to France where it was prepared for overseas shipment to the Far East. Before he went, Captain Sanderson arranged for young Oblesow to return to Russia. The boy started out in a convoy with a great many other Russian nationals. When the train stopped in the Russian Zone for the night, all of the people on the train were herded into a concentration camp behind barbed wires. They were guarded by Russian soldiers. Several of the displaced persons committed suicide. They were being sent back because Stalin had asked the United States to return to Poland, Russia, and Lithuania and other countries under Russia, their respective nationals. Oblesow realized that he would be mistreated upon his return to Russia. He therefore made his way through the guards and was able to return to Germany. He entered Captain Sanderson's office and told him of his experience.

Some organization which was looking out for displaced orphan children undertook to bring Oblesow to the United States. After his return from concentration camp under the Russians, Oblesow was called upon to register as a displaced person. At that time he told some official that he was born in Breslau, Germany. In checking the list the Russians only went after persons born in their satellite countries and not those born in Germany, so they did not trouble him any more. Later, when the organization looking for orphans sought visas for the children, they apparently copied the other records available for young Oblesow, then 13 years old. In that way his birthplace appeared on the application for a permanent visa for him as Breslau, Germany. Oblesow has told me that if anyone asked him other than a Russian, he would have told them that he was born in Stalingrad. At any rate, his visa was granted to him and he came to the United States as a displaced orphan. It made no difference if he was Russian born or German born—he was entitled to his visa under our law. He came to the United States and has studied at Mount Hermon School for Boys for 4 years, graduating in June 1952. This year he has been a student at Oberlin College, Ohio, with a scholarship. This summer he is going to Middlebury College to maintain his knowledge of Russian. He speaks good English. He is now 21 years old and has been in this country 5 years. He wished to have his records correct with the United States Government. As a result, Mr. Sanderson and he contacted the immigration office in Springfield after talking with Attorney Joseph Bartlett.

At first everything seemed to be going all right, but then the young man was arrested on the ground of the discrepancy in his birthplace, since he was born in Stalingrad, but the records indicated his birthplace in Breslau. He is now in the ROTC and will not be allowed to take the ROTC work until he gets this matter straightened out. Likewise, he is in the draft but is not subject to call because of his arrest.

I am not sure why the Government is proceeding with this case, since I do not understand that Oblesow has committed perjury or done anything wrong in connection with any of his official papers. I do not understand that he personally made out the application for his visa for himself. In any event, I believe that he should be allowed to remain in the United States. Since his entire family has been wiped out, he knows of no relatives in Russia. Mr. Sanderson is anxious that he be admitted to the United States and that he be allowed to become an American citizen. He is a nice appearing young man and I have no doubt that he would make a fine young American.

All of us would appreciate it if you will be kind enough to introduce a bill for the relief of Boris Ivanovitch Oblesow. If there is anything in his record which requires legislative action it would apparently be necessary to have this relief accorded to him under which "for the purposes of immigration laws the said Boris Ivanovitch Oblesow shall be held and considered to have been lawfully admitted to the United States for permanent residence," under such laws as would be applicable. I presume that the legislative counsel could draw up such a bill citing the proper sections and acts.

Mr. Sanderson is a product of Whately and appears to know many of the prominent people in Deerfield area, including Mr. Boyden. Obviously Captain Sanderson is a person who has invested a large sum of money in the well-being of young Oblesow, and I am glad to cooperate with him in his effort to straighten out this matter. I would be interested in whatever report the Judiciary Committee might receive as a result of the filing of such a bill. It occurs to me that the Department of Justice might, in the particular circumstances, give a friendly report in this particular case.

I will appreciate personally anything that you can do in the matter.

Very sincerely yours,

CHARLES.

His friend is Howard Sanderson, East Northfield, Mass. Oblesow entered the United States at New York on January 29, 1948.

His alien registration number is 6,839,813.

His home is with Mr. Sanderson in East Northfield.

His papers indicate that he was admitted under section 6–A–3 of the Immigration Act of 1924.

His visa application is No. I–251083.

He is a German quota immigrant.

EAST NORTHFIELD, MASS., *June 27, 1953.*

To Whom It May Concern:

During my tour of duty as an officer with a tank battalion in Europe in World War II, it happened that I made the acquaintance of Boris I. Oblesow.

We met in a town called Traunstein in southeastern Germany. Boris made application to me for employment as an interpreter. He told me that he had been in a bunker with his family during the siege of Stalingrad in September of 1942 when a German Stuka bomber made a direct hit on the dugout, killing his mother and brother before his eyes, and in the same raid his father disappeared, apparently a victim of a bomb, too.

I received permission from my battalion commander to keep Boris with my company and during a period of about a month got to know him very well. My unit was alerted to go to Japan, so we left hurriedly, and in parting I said to Boris, "I'll see you in America some day." At the time of my departure, I left Boris with an affidavit to show succeeding American units that Boris had served me well as an interpreter. Boris used this document to advantage, and it furnished him with a means of earning a living.

I returned to the United States, Japan surrendered, and I received my discharge on February 16, 1946. My next important step was getting married, and my first child, a boy, arrived in June of 1947. Two girls have arrived since.

Boris, in the meantime, notified me that he was being cared for by the United States Committee for the Care of European Children. We corresponded once or twice, and finally Boris informed me that he was on is way to America. The next I heard was a post-card notification of his arrival in New York on January 29, 1948. I made a trip to New York and applied for the opportunity to provide a home for Boris. After checking on my ability to handle this charge, I was finally permitted to bring Boris home to Northfield in February of 1948. He has lived in my home as one of my family ever since.

By working hard on our school farm summers, Boris was able to finance his attendance at the Mount Hermon School for Boys for 4 years. He won a scholarship to Oberlin College in the spring of 1952 and is now a student at that school, having just completed his freshman year.

Last September just prior to leaving for his first year at Oberlin, Boris asked me to help him straighten out the immigration records in connection with his birthplace. Boris realized that he would be terminating 5 years of residence in the United States on January 29, 1953, and would also be 21 years of age on April 10, 1953. Both events would make him eligible for application to our Government for citizenship.

It was necessary at the termination of the war for Boris to change the record of his birthplace from Stalingrad to Breslau, Germany, to keep from being forced to return to Communist Russia. Boris was about 13 years of age at that time, old enough to realize why fellow Russians were committing suicide rather than submit to being returned to a fate worse than death behind the Iron Curtain. The United States Committee for the Care of European Children had made all the arrangements with our Government for Boris to enter our country. No

effort was made at that time to change the record of his birthplace, because there was still a possibility of the Russians picking him up at the last minute.

It appears to me that we here in the United States represent a way of life whereby we can be relied on to protect unfortunate individuals like Boris, who at a very young age are forced to make decisions such as he did. Now this Christian young man, in an effort to free his conscience, comes to our authorities of his own free will and asks to have the records amended.

Most sincerely,

WINTHROP W. SANDERSON,
Capt. (Armor) O–1012050.

COMMONWEALTH OF MASSACHUSETTS,
Franklin, ss:

Subscribed and sworn to before me this 7th day of July 1953.

[SEAL] GEORGE MCEWAN,
Notary Public in and for Franklin County, and State of Massachusetts.

My commission expires January 29, 1960.

EAST NORTHFIELD, MASS., *July 27, 1953.*

To Whom It May Concern:

I, Boris Ivanovich Oglesow, was born in Stalingrad, Russia, on April 10, 1932. In 1948, when I was 15 years old, I immigrated to the United States through the auspices of the United States Committee for the Care of European Children. I attended the Mount Hermon School in Mount Hermon, Mass., from 1948 to 1952. In 1952 I received a full 4-year scholarship to Oberlin College. Since 1948 my legal guardian has been Winthrop W. Sanderson, and my permanent address is his home in East Northfield, Mass.

In January 1953, having lived in this country the required 5 years, I applied for citizenship papers. A misunderstanding arose over my place of birth, which in 1945 I had been forced to change from Stalingrad, U. S. S. R., to Breslau, Germany. In order for this misunderstanding to be more properly evaluated, I would like to point out in this letter how much America means to me, how I got here, and why it was so necessary for me to change my birthplace. The value I place on the United States of America should be self-evident in the next few paragraphs.

During the battle of Stalingrad both my parents were killed. I was 10 years old. The sector of the city in which we lived was captured, so since there was no food and constant danger, I joined a group of refugees who were leaving Stalingrad. For 4 years I wandered about Europe, supporting myself as best I could, working where I could find work, trying to keep myself alive and away from the fighting. In 1945 when the war ended, I found myself in the American Zone in West Germany.

I found work as an interpreter in the 27th Tank Battalion, United States Army. My "boss" was Capt. W. W. Sanderson, who is now my legal guardian. I was then 13, but the amazing and horrifying experiences of the past 3 years had taught me a great deal. I had lived in many places and I knew when people felt free and secure and when they were afraid to draw their breath in deeply. I saw good men and bad men, and soon learned to tell the difference between them. I saw treachery and dishonesty, fear and hate. I saw, and was often saved by, the generosity of those who could ill afford to give it. I had come so close to death so many times that I knew with certainty what to me was worth while in life. The Americans I met told me about life in the United States, and I believed them, partly because I wanted to, and partly because I had daily proofs of their kindness, assurance, and faith.

However, I thought that I wanted to return to Russia, to my native land. The Soviet authorities persuaded us to return. I was a member of the first group to be sent back. When we arrived at the station we were loaded in box cars. Inside the box cars were pictures of Stalin and signs welcoming us home. My first wave of homesickness was soon interrupted by the arrival of guards, who made us shave off all our hair, so that if we ran away we could be easily spotted. They treated us as if we were criminals. My desire to reach a place of refuge in my homeland away from war and fear and hunger was so strong that at first I hardly noticed this treatment. At New Vienna we were put behind barbed wire, and forced to live in a concentration camp. It was here that my ideas suddenly crystallized. I decided to escape. I would not trade the new life of freedom and individuality which I had so briefly tested for the regimented fear and restriction I now faced. With considerable difficulty I did escape, disguised as a German boy.

When I got back to the Western Zone, I began to tell the Russians who had stayed behind how it was. Now the Soviet authorities had to coerce the Russians living in the Western Zone to return to the U. S. S. R. Sometimes they kidnaped us, their own people. Some of my friends committed suicide rather than return. I was very much afraid that they would take me again also and to avoid this I was faced with the choice of either changing my name or my place of birth. In Traunstein, therefore, on my UNRRA registration card, I changed my birthplace from Stalingrad, U. S. S. R., to Breslau, Germany.

My boss, Captain Sanderson, returned to the United States in August, and I found another job with the United States Signal Corps. I soon developed a strong desire to go to the United States where one does not have to tie to his Government and live from one second to the next, not knowing what the future may bring.

After 3 years of trying I was given the chance. I lived in a real home again and made friends whom I could trust. For the first time since I was 10 years old I felt secure. In January when I applied for my citizenship papers, I wanted to have everything in order. I wanted to tell the truth. I no longer felt afraid to tell that I was born in Russia. Here in the United States, a man does not need to lie. That is why I voluntarily corrected the misstatement that I had made in 1945—a misstatement I had been forced by circumstances to make in order to save myself from a way of life of which I did not approve and could not have tolerated.

I have known two ways of life. One I have fled from; the other I have embraced. One means fear, inhumanity, and barbed wire. The other means freedom, secuity, and the opportunity to help other people. Under one way of life a man is guilty on general principles; under the other a man is assumed innocent until proven guilty. This then is the evidence in my behalf. Now that the reason why I changed my place of birth is known, it should be quite clear how I feel about America.

In Russia the future holds no meaning for me now. Here in America there is so much future. Here I have the opportunity to be a good man. Here I have found that success and happiness depend upon myself. Here I may find family, friends, safety, security, and all those wonderful intangibles which flourish in a free world. I, like others, have come to value them more highly than life.

For these reasons, I assure whomever it may concern, that if I be but given the chance to stay in America, the privilege to breathe this free air, and the right to live like a human being with dignity, pride, and a feeling of belonging to something which is good and great, I will serve my country, and honor its way of life, and teach my children to do so also.

BORIS IVANOVICH OBLESOW.

Witness:
[SEAL]

ROBERT D. HOPE, *Notary Public.*

MOUNT HERMON SCHOOL,
Mount Hermon, Mass., June 29, 1953.

To Whom It May Concern:

I am glad to say a personal word in behalf of Boris Oblesow who was a student at Mount Hermon School from September 1948 until his graduation in June 1952. Since Boris lived in my home throughout the first year, I came to know him quite intimately and therefore took considerable interest in his progress and development in his later years here. In all my dealings with adolescent boys, I have never met a boy, foreign-born or American citizens, who showed greater loyalty to the United States or was more appreciative of the opportunities which this country offers, and I am sure that Boris is very sincere in his desire to show his appreciation to the United States by devoting his life to the furtherance of the ideals of our democratic system. I consider him to be a young man of excellent character and strongly support his petition for citizenship in this country. I am sure that he would discharge the faith and trust placed in him with utmost loyalty and devotion.

Sincerely, ARTHUR D. PLATT, *Assistant Headmaster.*

COMMONWEALTH OF MASSACHUSETTS,
Franklin, ss:

Subscribed and sworn to before me this 6th day of July 1953.

[SEAL] EDGAR G. LIVINGSTON,
Notary Public in and for Franklin County, State of Massachusetts.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1020) should be enacted.

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Calendar No. 313

84TH CONGRESS, 1st Session | SENATE | REPORT No. 304

CHRISTINE SUSAN CAIADO

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1048]

The Committee on the Judiciary, to which was referred the bill (H. R. 1048) for the relief of Christine Susan Caiado, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is mentally defective in behalf of Christine Susan Caiado, the minor child of a United States citizen. The bill also provides for the posting of a bond as a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 5-year-old native and citizen of Argentina who is presently residing in Buenos Airies with her grandparents. The minor child's mother, father, and brother reside in the United States. The beneficiary has been unable to join the family as she is afflicted with a mental defect and is therefore ineligible to receive a visa. Without the waiver provided for in the bill she will be unable to join her family in the United States.

A letter, with attached memorandum, dated June 9, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 7228 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
June 9, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7228) for the relief of Christine Susan Caiado, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Cristina Susana Caiado.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who are mentally defective, and would grant the alien permanent residence if she is found to be otherwise admissible. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

———— ————, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHRISTINE SUSAN CAIADO, BENEFICIARY OF H. R. 7228

Information concerning the case was obtained from Mrs. Angelica Salvadora Caiado, nee Diaz, the 4-year-old beneficiary's mother, who is the sponsor of the private bill.

The beneficiary, whose correct name is Cristina Susana Caiado, was born February 7, 1950, at Buenos Aires, Argentina, and is a citizen of that country. She was refused a visa by the American consul, Buenos Aires, Argentina, on the ground that she was mentally defective. She presently resides in Buenos Aires, Argentina, with her paternal grandparents. The beneficiary previously had been admitted to the United States from June 1950 to October 1950 as a temporary visitor.

The sponsor was born October 10, 1923, at Santa Ana, Republic of El Salvador. She became a citizen of the United States by naturalization June 22, 1948, in the eastern district of New York. Her husband, Eduardo Amadeo Caiado, 29 years of age, and her son, Eduardo Daniel Caiado, 2 years of age, were born in Argentina and were admitted to the United States for permanent residence in March 1953 and October 1952 respectively.

Except for the periods of December 1948 to June 1950 and October 1950 to October 1952, Mrs. Caiado has resided in the United States for the past 11 years. During her residence in the United States she has been employed since 1946 as an export clerk, and earns approximately $3,000 annually. Her husband is employed as a laborer, and earns $75 a week.

In addition, the then chairman of the House Committee on the Judiciary received the following letter from the Director of the Visa Office of the Department of State in connection with the case:

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of January 18, 1954, and its enclosures, wherein you requested the views of this Department concerning the enactment of H. R. 7228, a bill for the relief of Christine Susan Caiado. Reference is also made to the Department's interim reply of January 21, 1954.

According to information contained in the Department's files, Cristina Susana Caiado, born at Buenos Aires, Argentina, on February 7, 1950, who appears to be identifiable with the beneficiary of the proposed bill, was refused an immigration visa at the American Embassy at Buenos Aires on October 6, 1952, under section 2 (f) of the Immigration Act of 1924, as amended, in that the medical certificate issued in the case showed that the child was afflicted with mongolism,

a mental defect which rendered her excludable from admission into the United States under the provisions of section 3 of the Immigration Act of February 5, 1917, as amended. The above-described defect would render the child ineligible to receive a visa and excludable from admission into the United States under section 212 (a) (4) of the Immigration and Nationality Act.

In the circumstances, and in view of the foregoing information, the question of the enactment of the proposed bill appears to be a matter for legislative determination, concerning which the Department does not wish to express any opinion.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1048) should be enacted.

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Calendar No. 314

84TH CONGRESS, 1st Session } SENATE { REPORT No. 305

MRS. ANITA SCAVONE

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1130]

The Committee on the Judiciary, to which was referred the bill (H. R. 1130) for the relief of Mrs. Anita Scavone, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Germany who immigrated to Canada on March 10, 1952, and was married to Louis Scavone, a United States citizen, on April 4, 1952 in Toronto, Canada. They have one child who is nearly 2 years old. The beneficiary has been found to be ineligible to receive a visa to enter the United States as the wife of a United States citizen because she was convicted on April 5, 1950 in Germany of complicity in a conspiracy to commit an abortion. The husband sponsor is an honorably discharged veteran of the United States Armed Forces and without the waiver provided for in the bill he will be unable to establish his family in the United States.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Executive Assistant to the Commissioner

of the Immigration and Naturalization Service, with reference to H. R. 7579 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
June 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7579) for the relief of Mrs. Anita Scavone, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigation and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens convicted of crimes involving moral turpitude, and would grant the alien permanent residence if she is found to be otherwise admissible, provided that the exemption shall apply only to a ground of which the Department of State or the Department of Justice has knowledge prior to the enactment thereof.

Sincerely,

———— ————,
Executive Assistant to the Commissioner
(In absence of Commissioner).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANITA SCAVONE, BENEFICIARY OF H. R. 7579

The beneficiary, Anita Scavone, nee Mikosch, also known as Anita Woitzik and Anita Schnabel is a native of Germany who was born on November 18, 1929. She entered Canada at Halifax, Nova Scotia, on March 10, 1952, as a landed immigrant. She has never been in the United States. Her present address is 3066 Lloyd George Boulevard, Windsor, Ontario, Canada.

Mrs. Scavone attended school in Berlin, Germany, and has the equivalent of an eighth-grade education. Between the ages of 10 and 14 years she was a member of the Jung Madel, a compulsory German-youth organization. From 1945 until 1949 she was employed by the Jungenausshus, a forced-labor organization in the reconstruction of Berlin after World War II. In the summer of 1949 the beneficiary became pregnant. As a result of her condition she became ill and was required to obtain medical treatment. Mrs. Scavone alleges that she was unaware of the fact that the doctor who treated her for abortion was not licensed to practice medicine. In the early part of 1950 she was convicted of abortion by a German court and was required to pay a fine. She claims that she has never been arrested or convicted other than previously indicated.

The beneficiary was married to Louis Scavone, a citizen of the United States, on April 4, 1952, in Toronto, Ontario, Canada. They have one child, Geraldine Mary Scavone, who was born on April 22, 1953, in Windsor, Ontario, Canada. The beneficiary has no blood relatives residing in the United States.

Mr. Scavone served with the United States Armed Forces from July 16, 1948, until June 11, 1952, and was honorably discharged with the rank of corporal. He served with the occupation forces in Germany from December 7, 1948, to March 12, 1952. His occupation is presently that of photographer and earns between $65 to $75 a week. He contributes about $60 a week toward the support of the beneficiary and their child. His assets consist of the ownership of a home in Windsor, Ontario, Canada, valued at about $6,000 to $7,000 and personal effects and photographic equipment valued at approximately $1,800.

The beneficiary has alleged that she was refused the issuance of an immigrant visa by the American consul in Stuttgart, Germany, in the summer of 1951 because of the conviction and fine assessed against her.

The Committee on the Judiciary of the House of Representatives also received the following letter from the Director of the Visa Office of the Department of State, dated March 19, 1954, with reference to the case:

DEPARTMENT OF STATE,
Washington, March 19, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. REED: Reference is made to your letter of February 3, 1954, and its enclosures, wherein you request a report of the facts in the case of Mrs. Anita Scavone, beneficiary of H. R. 7579, 83d Congress, 2d session.

A communication has been received from the American consulate general at Toronto which reports that the United States military authorities in Germany, presumably in 1951, requested information from the consulate general at Stuttgart regarding the probability of the alien's eligibility for admission into the United States under the immigration laws and regulations, since she was the fiance of a member of the United States Armed Forces, Cpl. Louis Scavone. The consulate general at Stuttgart determined that she was inadmissible into the United States under the provisions of section 3 of the act of February 5, 1917, as amended, as a person who had been convicted of a crime involving moral turpitude, namely, abortion and assistance in an abortion, in violation of paragraph 218, section 1–2, and paragraphs 27b–29–49–73 and 74 of the German Criminal Code. Her dossier reveals that she was convicted on April 5, 1950, by the district court at Schwertzingen, a competent German court of original jurisdiction in criminal cases, and that she was sentenced to pay a combined fine of 210 marks.

The crimes of conspiracy to commit an abortion and assistance in an abortion have been held to involve moral turpitude within the meaning of section 3 of the act of February 5, 1917, and are also considered to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which repealed the act of February 5, 1917, and certain other immigration laws. The section last cited renders ineligible to receive visas and excludable from the United States aliens who have been convicted of, or admit having committed, a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Scavone.

At this time, the Department has no knowledge of any factor in Mrs. Scavone's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Scavone from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Eugene J. Keogh, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement in connection with the case:

STATE OF NEW YORK,
County of Kings, ss:

To Whom It May Concern:

Louis Scavone, being duly sworn, deposes and says:

I reside at 158A Hull Street, Brooklyn, N. Y., and am a native-born citizen of the United States, having been born on May 24, 1928, at Brooklyn, N. Y.

I entered the United States Army under serial No. RA12303206. After preliminary training I was sent to Germany as an American soldier of occupation on December 7, 1948. I was in Germany from December 7, 1948, to March 12, 1952. I was finally discharged in July 1952.

While stationed at Heidelberg, Germany, and sometime in June 1949 at a carnival party I was introduced to Anita Mikosch. From that moment a deep affection developed between us, as a result of which I saw her practically daily. She was born on November 18, 1929, in Heidelberg, Germany. Our relationship was very intimate, so much so that in the month of August 1949 she was pregnant, and I was the father of an unborn child.

In and about that time she began to bleed profusely and I told her to consult a doctor. She went to see a doctor in Schwetzingen who told and advised her that the child could not be saved and that she had a miscarriage. The doctor gave her 2 treatments for which we paid 20 marks, and the doctor then advised her that she had been cleaned out and discharged her. However, she continued

to bleed profusely as a result of which she consulted Dr. Menges who was attached to the maternity hospital in Schwetzingen, Germany. She was admitted to the maternity hospital at the end of October 1949 and was treated for a miscarriage. She remained in the hospital for 1 week and thereafter was discharged as cured, for all of which we paid Dr. Menges and the maternity hospital the sum of 80 marks.

In the middle of December 1949, a policeman interviewed Miss Anita Mikosch and told her that her name appeared on a list of the first doctor, and the policeman stated that the doctor had no license to practice and was performing illegal abortions. The policeman questioned her whether she had been treated by this quack doctor and Miss Mikosch readily admitted that she had been treated, due to the fact that she was bleeding and had a miscarriage.

Around February 1950 she was notified to appear at the trial of and testify against the quack doctor and she did so. She was sworn in as a witness and testified as to the number of times she had been to the doctor, what the doctor did to her, and what the result was.

In the early part of April 1950 she received a letter from the policeman in Schwetzingen, Germany, that she had been fined 220 marks for having had an illegal abortion performed upon her. I paid this sum for Anita Mikosch. I know of my own knowledge that she was never charged with any crime, she was never indicted in any court, nor was she ever notified to appear in any court except to testify against the quack doctor.

Nine months before my discharge I made an application to my commanding officer for leave to marry Anita Mikosch, since she was my fiance. Major Elder, on my consent, as well as the consent of Anita Mikosch, approved of the marriage. Of course, approval of the marriage meant that I would marry her and then take her to the United States as my wife upon my discharge. However, I was later informed that the approval had been denied; I was given no reason of this fact.

I reentered the United States on March 12, 1952, and discharged from the Army June 1952.

My fiance Anita Mikosch made arrangements and did enter Canada lawfully, and on April 4, 1952, I legally and lawfully married her in Toronto, Canada.

At all times I was fully aware and knew all of the conditions and circumstances relating to my wife's so-called conviction in Schwetzingen, Germany. I further state and affirm that I was the cause of her condition and pregnancy.

My wife gave birth to my daughter Geraldine Scavone on April 22, 1953, in Toronto, Canada. I cannot understand why the American authorities and particularly the American consul in Toronto, Canada, have refused the application of my wife and myself, to permit my wife Anita to enter the United States legally for permanent residence to live with me at 158A Hull Street, Brooklyn, N. Y.

Wherefore, it is respectfully requested that the State Department, and/or immigration authorities, and/or American consul in Toronto, Canada, waive the so-called conviction of my wife in Germany and permit her to enter the United States legally in order to join me.

LOUIS SCAVONE.

Sworn to before me this 14th day of January 1954.

FRANK MONACO,
Notary Public, State of New York.

Commission expires March 30, 1954.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1130) should be enacted.

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UNIV. OF MICH.
AUG 26 1955
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Calendar No. 315

84TH CONGRESS, 1st Session | SENATE | REPORT No. 306

FLORENCE MEISTER

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1166]

The Committee on the Judiciary, to which was referred the bill (H. R. 1166) for the relief of Florence Meister, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable a former native-born United States citizen to regain her United States citizenship which was lost by obtaining Israelian citizenship while serving as a member of the Israeli Army.

STATEMENT OF FACTS

The beneficiary of the bill was born in Lawrence, Mass., on May 7, 1929, and left the United States on November 11, 1950, for Israel. She entered the Israeli Army on May 25, 1951, and served until May 25, 1953. She did not reject Israeli citizenship prior to July 14, 1952, and consequently acquired Israeli nationality on that date, the effective date of the Israeli Nationality Act. The beneficiary last entered the United States on January 25, 1954, as a visitor, at which time she was in possession of an Israeli passport, valid to October 25, 1955. The beneficiary states that she wishes to remain in the United States permanently.

A letter, with attached memorandum, dated September 9, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9592, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., September 9, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9592) for the relief of Florence Meister, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service which has custody of these files.

The bill is intended to authorize the naturalization of the alien within 1 year of the effective date of the act by taking the oaths prescribed in section 337 of the Immigration and Nationalty Act. The bill further provides that from and after such naturalization, the alien shall have the same citizenship status as that which existed immediately prior to its loss.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FLORENCE MEISTER, BENEFICIARY OF H. R. 9592

Florence Meister, alias Tzipporah Meister, is a native of the United States, now a citizen of Israel, who was born at Lawrence, Mass., on May 7, 1929. She presently resides with her father and mother, Mr. and Mrs. Joseph Meister, at 268 Ames Street, Lawrence, Mass. She last entered the United States on January 25, 1954, at the port of New York and was admitted as a temporary visitor for a period of 4 months. At the time she was in possession of an Israeli passport, No. 43382, valid to October 25, 1955. The alien received an extension of temporary stay until December 1, 1954.

Miss Meister went to Israel in 1950, and was drafted into the Israeli Army in May 1951 until May 1953. She failed to sign a document issued by the Israeli Government, whereby she would have retained her American citizenship, and subsequently, when she applied at the United States consulate for a renewal of her United States passport, she was informed by the consul that she had lost her United States citizenship because she had obtained Israeli citizenship while still a member of the Israeli Army. Miss Meister has never been married, and was educated in the elementary and high schools in Lawrence, Mass., and went to Boston University for 2 years, where she obtained a degree in social science. She has never been arrested, and testified that she is a member of the following organizations: Intercollegiate Zionist Federation of America (Boston University) from October 1948 to June 1949; Haolah (pioneering arm of IZFA), New York, from March 1949 to December 1950; Hechalutu Organization of America, New York, N. Y., from March 1949 to December 1950; orientation camp for new arrivals under the agricultural program of Israel—Kibbutz Bet Hashita, from December 1950 to May 1951; Kibbutz Yiftach, Israel, from May 1951 to July 1953; and Kibbutz Hagovrin, Israel, from July 1953 to January 1954.

She is unemployed and supported by her father and mother, who are naturalized American citizens. Her only assets are $700 worth of personal effects.

In addition, the following letter was addressed to the then chairman of the Committee on the Judiciary of the House of Representatives from the Assistant Secretary of State in connection with a similar bill pending in the 83d Congress:

DEPARTMENT OF STATE,
Washington, July 6, 1954.

Re H. R. 9592, for the relief of Florence Meister.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: This will acknowledge receipt of your letter of June 23, 1954, transmitting copies of H. R. 9592, for the relief of Florence Meister.

The files in the passport office disclose that Florence Meister was born on May 7, 1929, at Lawrence, Mass., and that she left the United States on November

11, 1950, for Israel. She entered the Israeli Army on May 25, 1951, and served until May 25, 1953. She did not reject Israeli citizenship prior to July 14, 1952, and consequently acquired Israeli nationality on that date, the effective date of the Israeli Nationality Act. Consequently, the provisions of section 401 (c) of the Nationality Act of 1940 became operative and Miss Meister has been held to have lost United States nationality on July 14, 1952. In the application for registration as an American citizen which Miss Meister executed at the American Embassy at Tel Aviv on October 21, 1953, she stated that she came to Israel to "settle."

The instant bill would restore to Miss Meister her prior status as a United States citizen at birth, upon her taking the oath of allegiance prescribed by the Immigration and Nationality Act.

The Department interposes no objection to the enactment of H. R. 9592, provided Miss Meister intends to reside in the United States upon reacquisition of United States citizenship. However, if she plans to return to and reside in Israel, of which country she became a citizen in 1952, the Department perceives no reason why United States citizenship should be restored to her at this time.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

In addition, Congressman Thomas J. Lane, the author of the bill, submitted the following letter from the beneficiary of the bill to the chairman of the Senate Committee on the Judiciary:

LAWRENCE, MASS., *April 19, 1955.*

Hon. T. J. LANE,
Washington, D. C.

DEAR MR. LANE: In reference to your recent correspondence with my father I wish to state that it is my wish to remain in the United States permanently and that I am not desirous of returning to, and being a citizen of the State of Israel.

Sincerely yours,

FLORENCE MEISTER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1166) should be enacted.

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MAY 16 1955

Calendar No. 316

84TH CONGRESS, 1st Session } SENATE { REPORT No. 307

MAY 16 1955
LAW LIBRARY

ZBIGNIEW WOLYNSKI

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1177]

The Committee on the Judiciary, to which was referred the bill (H. R. 1177) for the relief of Zbigniew Wolynski, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Zbigniew Wolynski. The bill provides for the payment of the required visa fee. No quota charge is provided for, inasmuch as the beneficiary is a nonquota immigrant as the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a native of Poland who was born on January 19, 1920, and is presently stateless. He last entered the United States as a visitor on May 28, 1951. He had been to the United States on two previous occasions on behalf of the Polish Disabled War Veterans. He is trustee of the Disabled Veterans of the Polish Army in Exile, Inc. He is an economist by profession and served in the Polish Army and was taken prisoner by the Germans. Following his escape he served with the British Army until the end of the war and participated in all of the African and Italian campaigns. He is now married to a United States citizen.

A letter, with attached memorandum, dated July 10, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and

Naturalization Service with reference to H. R. 826 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 10, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 826) for the relief of Zbigniew Wolynski, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

Mr. Wolynski is chargeable to the quota of Poland, which is oversubscribed.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ZBIGNIEW WOLYNSKI, BENEFICIARY OF H. R. 826

Zbigniew Wolynski, now known as Teddy Wolynski, a native of Poland, who claims to be stateless, was born on January 19, 1920. Coming from England, he last entered the United States at the port of New York by plane on May 28, 1951, when he was admitted as a visitor until November 27, 1951. His request for an extension of stay was denied, but he was given until February 1, 1952, to depart. He failed to depart and, on April 7, 1952, deportation proceedings were instituted against him on the ground that after admission as a visitor he had remained in the United States for a longer time than permitted by law. He was ordered deported on July 10, 1952. On March 25, 1953, the Board of Immigration Appeals dismissed his appeal.

Mr. Wolynski entered the United States on two previous occasions: The first time on May 18, 1949, when he was admitted as a visitor for 6 months, returning to England in April 1950; and the second time on July 1, 1950, when he was again admitted as a visitor, returning to England in December 1950. On each occasion he has come to the United States on behalf of Polish disabled war veterans residing in England. Mr. Wolynski is trustee of the Disabled Veterans of the Polish Army in Exile, Inc., and stated that he receives no salary. He resides with friends, Mr. and Mrs. Bentley W. Warren, in Essex, Mass.

The alien is an economist by profession. He received his degree in economics from the University of Lwow in Lwow, Poland. He also studied in the School of Economics, London University, England, in 1946.

Mr. Wolynski stated that he entered the Polish Army as a volunteer in 1938. When the city of Warsaw collapsed he was taken prisoner by the Germans. After about 6 months he escaped. Sometime in 1940, on orders from the commander in chief of the Polish Home Army, he organized the Polish underground army of the Russian occupation zone of Poland. Subsequently he was sent to Syria to join the Polish Army under French command, and when France collapsed he joined the Polish Army under British command in Palestine. He served with the British Army until the end of the war, participating in all the African and Italian campaigns. He was wounded twice, one of the wounds resulting in the amputation of his right leg above the knee. He is presently drawing a disability pension from the British Ministry of Pensions which amounts to £2 17s. per week.

Mr. Wolynski is not married. He stated that his father, who had been a professor in a government high school, was executed as a hostage by the Germans during World War II, and that his mother, who had been interned by the Russians, now resides in Poland with his sister. The alien has been studying picture framing as a possible means of earning a livelihood.

The Honorable John D. Lodge addressed the following letter to the then chairman of the Committee on the Judiciary of the House of Representatives in support of the bill:

STATE OF CONNECTICUT,
Hartford, June 17, 1953.

Mr. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CHAUNCEY: It is my understanding that Congressman Thomas J. Lane of the Seventh Congressional District of Massachusetts has introduced a measure in behalf of Zbigniew Wolynski. This legislation is H. R. 826 and provides for the permanent residence in the United States of Mr. Wolynski.

Mr. Wolynski is now in the United States on a temporary visa from England as a trustee of the Disabled Veterans of the Polish Army in Exile, Inc.

I have met Mr. Wolynski a number of times and feel that he would make a good citizen.

I shall appreciate any information which you can give me with respect to the present status of this legislation and the possibility of its passage.

With kind regards,

Sincerely yours,

JOHN LODGE, *Governor.*

Congressman Thomas J. Lane, the author of the bill, submitted the following information regarding the beneficiary:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 13, 1955.

Re H. R. 1177

SUBCOMMITTEE ON IMMIGRATION,
House Committee on the Judiciary,
Room 327, House Office Building, Washington 25, D. C.

GENTLEMEN: I wish to call your attention to the above-cited bill which I sponsored for the relief of Mr. Zbigniew Wolynski, which, you will recall, passed the House during the 83d Congress but did not reach the Senate Calendar.

I understand that Mr. Wolynski is now married to an American citizen. However, since he did sustain the loss of a leg in view of his activities in the Polish underground, his leaving the country would be a hardship, and I still feel he is worthy of congressional action for the purpose of gaining his immigration adjustment.

Accordingly, I shall be thankful if you will kindly schedule this bill for early consideration, so that it can be reported to the Senate Judiciary Committee at an early date.

Sincerely yours,

THOMAS J. LANE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1177) should be enacted.

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Calendar No. 317

84TH CONGRESS, 1st Session } SENATE { REPORT No. 308

MAY 16 1955
LAW LIBRARY

ANGELITA HABERER

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1192]

The Committee on the Judiciary, to which was referred the bill (H. R. 1192) for the relief of Angelita Haberer, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Angelita Haberer. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill was born in the Philippines on September 18, 1931 and last entered the United States as a temporary visitor on February 2, 1951. Her foster parents are Mr. and Mrs. Emmanuel Julius Haberer of Washington, D. C. and they are United States citizens. She stated that she was born in the home of her foster parents and was abandoned there by her mother. She has resided with her foster parents since birth.

A letter, with attached memorandum, dated November 16, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 2647 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
November 16, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report on the bill (H. R. 2647) for the relief of Angelita Haberer, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill apparently is intended to confer nonquota status upon the alien pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, although it makes reference to statutory provisions which are no longer applicable.

Since the alien is chargeable to the quota for the Republic of the Philippines, which is oversubscribed, a quota immigrant visa is not readily obtainable.

Sincerely,

A. R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANGELITA HABERER, BENEFICIARY OF H. R. 2647

The alien is a native and citizen of the Philippine Islands, was born on September 18, 1931. She last arrived in the United States at Honolulu, T. H., on January 27, 1951, and was admitted by a board of special inquiry on February 2, 1951, as a temporary visitor until July 27, 1951, under a $1,000 bond. She had no immigration visa and stated the intention of remaining in the United States permanently. She was last given until September 2, 1951, within which to depart from the United States.

As she failed to depart, a warrant for her arrest in deportation proceedings was issued on September 28, 1951, charging that at the time of her entry she was an immigrant not in possession of a valid immigration visa as required by the Immigration Act of 1924. After a hearing, the officer conducting the hearing recommended that she be deported from the United States on the charge stated in the warrant of arrest. The alien filed an exception to the officer's recommendation and on February 18, 1952, the Commissioner ordered that the hearing be reopened to afford the alien an opportunity to apply for suspension of deportation and for introduction of documentary evidence covering her adoption by United States citizen parents. The reopened hearing, pursuant to the Commissioner's order, has not as yet been held.

According to last information, the alien was residing in Washington, D. C., with her foster parents, Emmanuel Julius Haberer and Florentine Haberer, and was attending St. Paul's Academy in that city. Her foster parents are citizens of the United States by naturalization. Miss Haberer stated that she was born in the home of her foster parents in the Philippines and was abandoned there by her mother. She stated that she has resided with her foster parents since her birth, that she has been legally adopted by them, and that her mother, who still resides in the Philippines, was in agreement with the adoption. She stated that she first saw her mother when about 12 years of age and has seen her a number of times since that time.

Miss Haberer further stated that for several years she attempted to get an immigration visa in Manila so that she could come to the United States and reside with her foster parents, but because of priority she was unable to obtain such visa. She stated that her intention at the time she obtained her visitor's visa was to remain in the United States permanently.

The alien's foster father, Mr. Emmanuel J. Haberer, stated that he was born in Germany in 1876, and became a citizen of the United States by naturalization on September 26, 1906. He stated that in July of 1911 he went to the Philippines, where for a number of years he did newspaper and publishing work and for a time was a contract printer for the United States Army. He resided in the Philippines about 35 years. On December 13, 1941, he was made a prisoner by the Japanese and taken to San Tomas, Philippines, where he was imprisoned until February 23, 1945, when he was released. He returned to the United States in June of 1949. He married his wife, Florentine Haberer, in the Philippines on April 8, 1918, and she resides with him in Washington, D. C. She is employed as a maternity staff nurse at a salary of about $3,000 per year. She also became a citizen of the United States by naturalization on March 14, 1950. Mr. Haberer

receives a monthly check in the amount of $50 from the Government and also receives income from a farm which he owns in the Philippines.

Mr. Haberer stated that he legally adopted Miss Haberer in the Manila Court of the First Instance shortly after her 14th birthday. However, he has presented no proof of such adoption. He claims that the adoption papers are at the American Embassy in Manila. He further stated that Miss Haberer was born in his home in the Philippines and that his wife delivered the child. He stated that the child's mother was only 14 years of age at the time of the child's birth, and unmarried. He alleges that the child's mother abandoned her at the time of her birth in his home because she was unable to care for her.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1192) should be enacted.

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Calendar No. 318

84TH CONGRESS, 1st Session } SENATE { REPORT No. 309

MAY 16 1955
LAW LIBRARY

LI CHIU FU AND LEUNG SUE WA

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1196]

The Committee on the Judiciary, to which was referred the bill (H. R. 1196) for the relief of Li Chiu Fu and Leung Sue Wa, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Li Chiu Fu and Leung Sue Wa. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are husband and wife, both natives of China, and they are 34 and 26 years of age, respectively. The male beneficiary last entered the United States on May 17, 1949, as a visitor. His status was later changed to that of a student. The female beneficiary last entered the United States on April 6, 1949, as a student. The beneficiaries were married on July 29, 1950, and they have two citizen children. The husband graduated from the University of Southern California with a degree in architectural engineering and he is presently employed as an architectural designer in Los Angeles, Calif.

A letter, with attached memorandum, dated November 17, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 4014, which was a bill introduced in the 83d Congress for the relief of the same aliens, reads as follows:

NOVEMBER 17, 1953.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4014) for the relief of Li Chiu Fu and wife, Leung Sue Wa, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees. It would also direct that two quota numbers be deducted from the appropriate immigration quota.

The aliens are chargeable to the quota for Chinese persons which is oversubscribed.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LI CHIU FU AND WIFE, LEUNG SUE WA, BENEFICIARIES OF H. R. 4014

The alien, Li Chui Fu, was born on May 24, 1920, at Hong Kong, British Crown Colony. He last entered the United States on May 17, 1949, at Noyes, Minn., and was admitted as a visitor. He later applied for and obtained a change of status to that of a student and received extensions of stay, the last one expiring April 30, 1952. On August 21, 1952, deportation proceedings were instituted.

The alien, Leung Sue Wa, was born on September 4, 1924, in Hong Kong, British Crown Colony. She last entered the United States on April 6, 1949, at Honolulu, T. H., and was admitted as a student. She attended an accredited school until May 22, 1950, and subsequently her status was changed to that of a temporary visitor. She was granted extensions of stay until April 26, 1952. On August 21, 1952, deportation proceedings were instituted.

On November 10, 1952, both aliens were given a hearing and on November 17, 1952, they were allowed the privilege of voluntary departure from the United States without expense to the Government, with the further provision that if they failed to depart as required, the privilege of voluntary departure would be withdrawn and the aliens deported from the United States. They appealed the decision of the hearing officer and on February 26, 1953, the appeals were dismissed by the Board of Immigration Appeals.

The beneficiaries were married in Los Angeles, Calif., on July 29, 1950, and have one citizen son born of the marriage. The male alien is graduated from the University of Southern California with a degree of architectural engineer and is presently employed as an architectural designer in Los Angeles, Calif. Their property consists of about $2,900 in cash, an automobile, furniture and personal effects.

Congressman Gordon L. McDonough, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified as follows:

H. R. 1196—RELIEF OF LI CHIU FU AND HIS WIFE, LEUNG SUE WA

Mr. and Mrs. Li Chiu were both born in the British Crown Colony of Hong Kong. If subject to deportation, they would, however, be forced to return to Communist-controlled China were they would be unable to earn a livelihood, and would be subject to persecution.

Mr. Li Chiu Fu attended school in the United States and Mrs. Li in Hawaii. Mr. Li Chiu Fu entered this country as a visitor, changed his status to that of student, and attended the University of Southern California from which he was graduated as an architectural engineer. His wife entered Hawaii as a student, attended school for a year, and then changed her status to that of temporary visitor.

Mr. and Mrs. Li Chiu were married in Los Angeles, Calif., on July 29, 1950, and they now have two American-citizen children Curtis Li born April 25, 1951, and Verna Li born December 10, 1953.

Mr. Li Chiu Fu is the sole support of his wife and children. He has been employed as an architectural designer and draftsman, and I have statements which members of this committee may wish to inspect indicating the high regard in which

he is held by his employers as well as his ability to earn an adequate income to support his family. In addition I submit a bank statement indicating his present assets are also adequate.

It is, of course, obvious that if Mr. and Mrs. Li were deported to China, their two minor children who are American citizens would be faced with serious hardship and would be denied the rights and privileges which minor American citizens are entitled to in the United States.

According to the Immigration and Naturalization Service, the quota for Chinese persons to which Mr. and Mrs. Li are chargeable is oversubscribed, so there is no way in which these people can correct their immigration status to that of permanent resident, except by special relief legislation.

In view of the excellent references in behalf of the Li family, and the definite hardship to themselves and their two children which would result from their deportation to Communist China, I respectfully request favorable action on H. R. 1196.

In addition, Congressman McDonough submitted the following affidavits made by the beneficiaries of the bill:

AFFIDAVIT

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Li Chiu Fu being first duly sworn according to law, deposes and says:

That he and his wife, Leung Sue Wa, are the beneficiaries of H. R. 4014 introduced by Hon. Gordon L. McDonough on March 16, 1953 in the 83d Congress;

Affiant further states that he is employed by Burke, Kober & Nicolais, industrial designers at 816 West 5th Street, Los Angeles, Calif., since January 1953; that his salary is $400 per month; that his wife, Leung Sue Wa, is not employed;

Affiant further states that he is the total support of his wife, Leung Sue Wa, and their minor citizen son, Curtis Li, who was born at Los Angeles, Calif., on April 25 1951;

Affiant further states that his son, Curtis Li, would suffer extreme hardship in the event that he and his wife were deported; that their deportation would result in an economic disaster;

Affiant further states that if he and his wife were deported to China; they would be left with no means of support; that he will have no possibilities whatsoever of being able to earn a livelihood in a country under Communist domination;

Affiant further states that he has no desire to raise his American citizen son in a country under Communist domination; that he, the affiant, will definitely be subject to persecution if he were deported to China for the reason that the affiant has secured his higher education in the United States;

Affiant further states that the Immigration and Naturalization Service has conceded in his file No. A6748497 that: "It is clear from the record that the respondent's deportation would result in a serious economic detriment to his native born minor citizen child."

LI CHIU FU.

Subscribed and sworn to before me at Los Angeles, Calif., this 2d day of April 1953.

[SEAL] HAZEL F. WONG,
Notary Public in and for Los Angeles County, State of California.

My commission expires January 12, 1956.

NOVEMBER 17, 1953.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4014) for the relief of Li Chiu Fu and wife, Leung Sue Wa, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees. It would also direct that two quota numbers be deducted from the appropriate immigration quota.

The aliens are chargeable to the quota for Chinese persons which is oversubscribed.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LI CHIU FU AND WIFE, LEUNG SUE WA, BENEFICIARIES OF H. R. 4014

The alien, Li Chui Fu, was born on May 24, 1920, at Hong Kong, British Crown Colony. He last entered the United States on May 17, 1949, at Noyes, Minn., and was admitted as a visitor. He later applied for and obtained a change of status to that of a student and received extensions of stay, the last one expiring April 30, 1952. On August 21, 1952, deportation proceedings were instituted.

The alien, Leung Sue Wa, was born on September 4, 1924, in Hong Kong, British Crown Colony. She last entered the United States on April 6, 1949, at Honolulu, T. H., and was admitted as a student. She attended an accredited school until May 22, 1950, and subsequently her status was changed to that of a temporary visitor. She was granted extensions of stay until April 26, 1952. On August 21, 1952, deportation proceedings were instituted.

On November 10, 1952, both aliens were given a hearing and on November 17, 1952, they were allowed the privilege of voluntary departure from the United States without expense to the Government, with the further provision that if they failed to depart as required, the privilege of voluntary departure would be withdrawn and the aliens deported from the United States. They appealed the decision of the hearing officer and on February 26, 1953, the appeals were dismissed by the Board of Immigration Appeals.

The beneficiaries were married in Los Angeles, Calif., on July 29, 1950, and have one citizen son born of the marriage. The male alien is graduated from the University of Southern California with a degree of architectural engineer and is presently employed as an architectural designer in Los Angeles, Calif. Their property consists of about $2,900 in cash, an automobile, furniture and personal effects.

Congressman Gordon L. McDonough, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified as follows:

H. R. 1196—RELIEF OF LI CHIU FU AND HIS WIFE, LEUNG SUE WA

Mr. and Mrs. Li Chiu were both born in the British Crown Colony of Hong Kong. If subject to deportation, they would, however, be forced to return to Communist-controlled China were they would be unable to earn a livelihood, and would be subject to persecution.

Mr. Li Chiu Fu attended school in the United States and Mrs. Li in Hawaii. Mr. Li Chiu Fu entered this country as a visitor, changed his status to that of student, and attended the University of Southern California from which he was graduated as an architectural engineer. His wife entered Hawaii as a student, attended school for a year, and then changed her status to that of temporary visitor.

Mr. and Mrs. Li Chiu were married in Los Angeles, Calif., on July 29, 1950, and they now have two American-citizen children Curtis Li born April 25, 1951, and Verna Li born December 10, 1953.

Mr. Li Chiu Fu is the sole support of his wife and children. He has been employed as an architectural designer and draftsman, and I have statements which members of this committee may wish to inspect indicating the high regard in which

he is held by his employers as well as his ability to earn an adequate income to support his family. In addition I submit a bank statement indicating his present assets are also adequate.

It is, of course, obvious that if Mr. and Mrs. Li were deported to China, their two minor children who are American citizens would be faced with serious hardship and would be denied the rights and privileges which minor American citizens are entitled to in the United States.

According to the Immigration and Naturalization Service, the quota for Chinese persons to which Mr. and Mrs. Li are chargeable is oversubscribed, so there is no way in which these people can correct their immigration status to that of permanent resident, except by special relief legislation.

In view of the excellent references in behalf of the Li family, and the definite hardship to themselves and their two children which would result from their deportation to Communist China, I respectfully request favorable action on H. R. 1196.

In addition, Congressman McDonough submitted the following affidavits made by the beneficiaries of the bill:

AFFIDAVIT

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Li Chiu Fu being first duly sworn according to law, deposes and says:

That he and his wife, Leung Sue Wa, are the beneficiaries of H. R. 4014 introduced by Hon. Gordon L. McDonough on March 16, 1953 in the 83d Congress;

Affiant further states that he is employed by Burke, Kober & Nicolais, industrial designers at 816 West 5th Street, Los Angeles, Calif., since January 1953; that his salary is $400 per month; that his wife, Leung Sue Wa, is not employed;

Affiant further states that he is the total support of his wife, Leung Sue Wa, and their minor citizen son, Curtis Li, who was born at Los Angeles, Calif., on April 25 1951;

Affiant further states that his son, Curtis Li, would suffer extreme hardship in the event that he and his wife were deported; that their deportation would result in an economic disaster;

Affiant further states that if he and his wife were deported to China; they would be left with no means of support; that he will have no possibilities whatsoever of being able to earn a livelihood in a country under Communist domination;

Affiant further states that he has no desire to raise his American citizen son in a country under Communist domination; that he, the affiant, will definitely be subject to persecution if he were deported to China for the reason that the affiant has secured his higher education in the United States;

Affiant further states that the Immigration and Naturalization Service has conceded in his file No. A6748497 that: "It is clear from the record that the respondent's deportation would result in a serious economic detriment to his native born minor citizen child."

LI CHIU FU.

Subscribed and sworn to before me at Los Angeles, Calif., this 2d day of April 1953.

[SEAL] HAZEL F. WONG,
Notary Public in and for Los Angeles County, State of California.

My commission expires January 12, 1956.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Leung Sue Wa being first duly sworn according to law, deposes and says:

That she and her husband, Li Chiu Fu, are the beneficiaries of H. R. 4014 introduced by Hon. Gordon L. McDonough on March 16, 1953, in the 83d Congress;

That she was married to Li Chiu Fu on July 29, 1950, at Los Angeles, Calif.; that their son, Curtis Li, was born on April 25, 1951; that she, the affiant, is not employed;

That she has read the affidavit executed by her husband, Li Chiu Fu, and she fully concurs therein.

LEUNG SUE WA.

Subscribed and sworn to before me at Los Angeles, Calif, this 2d day of April 1953.

[SEAL] HAZEL F. WONG,
Notary Public in and for Los Angeles County, State of California.

My commission expires January 12, 1956.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1196) should be enacted.

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Calendar No. 319

84TH CONGRESS, 1st Session } SENATE { REPORT No. 310

IVAN BRUNO LOMM, ALSO KNOWN AS IVAN B. JOHNSON

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1203]

The Committee on the Judiciary, to which was referred the bill (H. R. 1203) for the relief of Ivan Bruno Lomm, also known as Ivan B. Johnson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Ivan Bruno Lomm, also known as Ivan B. Johnson. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is a nonquota immigrant.

STATEMENT OF FACTS

The beneficiary of the bill is a 61-year-old native and citizen of Sweden, who last entered the United States without inspection after a 2 hour absence from the United States on July 1, 1935. He first entered this country on October 3, 1926, as a seaman. The beneficiary was married to a United States citizen on July 1, 1935. He is a watchmaker and since 1951, has been employed on a contract basis by the California Watchmakers Guild. The record discloses that the beneficiary was convicted in Sweden in 1923 of the crime of embezzlement and sentenced to serve 14 months. As an alien who has been convicted of a crime involving moral turpitude, he would not be eligible to receive a nonquota immigration visa. It is stated that the beneficiary enjoys an excellent reputation in the community in which he resides.

A letter, with attached memorandum, dated December 31, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 5488, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

DECEMBER 31, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5488) for the relief of Ivan Bruno Lomm, also known as Ivan B. Johnson, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also would direct that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary may be eligible to nonquota status by reason of his marriage to a citizen of the United States. However, attention is directed to the fact that he would be excludable from admission to the United States as an alien convicted of a crime involving moral turpitude.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE IVAN BRUNO LOMM, ALSO KNOWN AS IVAN B. JOHNSON, BENEFICIARY OF H. R. 5488

Ivan Bruno Lomm, also known as Ivan Bruno Johnson, a native and citizen of Sweden, was born on February 22, 1894. He last entered the United States on July 1, 1935, at Calexico, Calif., after an absence of about 2 hours. He was a passenger in an automobile driven by another; and he alleges that the immigration officer questioned only the driver and then permitted them to go on. He first entered the United States at Baltimore, Md., on October 3, 1926, as a seaman, and deserted. A warrant of arrest in deportation proceedings was issued against him on February 12, 1953, and he was accorded the privilege of voluntary departure on June 9, 1953.

Mr. Lomm testified that he was convicted in Sweden in 1923 of the crime of embezzlement and sentenced to serve 14 months and that he was released on good behavior after serving 12 months. A certified copy of the proceedings indicated that on June 9, 1923, at Gallivare, Sweden, the place of his birth, Mr. Lomm, then the country sheriff, was convicted of the crime of embezzlement and sentenced to serve 14 months.

Mr. Lomm was married to a native-born United States citizen, Elizabeth Mae Miller, on July 1, 1935. Her previous marriage was terminated by annulment. Mr. Lomm stated that he was married previously in Sweden but that his wife divorced him in 1923 or 1924. Formerly, Mr. Lomm had been a construction worker but in 1937 he contracted tuberculosis. He was a patient in the Olive View Sanitarium in California from early 1938 to May 1939. He stated that he is examined twice yearly and that his case is arrested. He stated further that he learned watchmaking while convalescing and that he has been engaged in that work since 1945, until September 1951 in self-employment, and since that time he has been employed on a contract basis by the California Watchmakers Guild at Los Angeles, Calif. At a hearing before this Service, in April 1953, he stated that he was earning $15 a week and that his total earnings for the year 1952 had been $500, but asserted that he had been disturbed by his immigration status and had been unable to do precision work. In a recent hearing he stated that his present earnings are about $200 a month. His wife is employed as a secretary in a law office and earns $350 a month. Their assets consist of $52 in savings, $180 in a checking account, and the equity in the immigration bond of $1,000 under which Mr. Lomm was released.

Congressman Gordon L. McDonough, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified as follows:

Mr. Lomm was born in Sweden in 1894. While living in Sweden as a young man, he was appointed sheriff in Hakkas District in 1922. In 1923 he was charged

with the crime of embezzlement alleged to have occurred during his term in office, and sentenced to serve 14 months. After 12 months as a result of his good behavior he was released.

Mr. Lomm now became a seaman, and in October of 1926, he came to Baltimore, Md., where he jumped ship. He has resided within the United States every since, a period of almost 29 years.

During his residence in the United States, Mr. Lomm who became known as Ivan B. Johnson, has established a record as an industrious, dependable, honest citizen. He has never been guilty of any violation of the law since his entry into the United States.

Mr. Lomm is employed as a clockmaker. Since July of 1936 he has been married to an American citizen.

Mr. Lomm cannot adjust his immigration status under the law, even though he is the husband of an American citizen, because he entered the United States as a deserting seaman, and had also been convicted of a felony in his native country, Sweden. It is therefore, necessary that he seek relief by special act of Congress.

There would be extreme hardship in this case if Mr. Lomm were required to leave the United States. He has no assets in any other country and no means of support outside of the United States. Also he would be separated from his wife, or she would be required to leave the United States of which she is a native-born citizen.

I have for the consideration of this committee a number of statements as to the character of Mr. Lomm verifying his record of good citizenship which I wish to submit at this time.

In consideration of all the facts involved in this case, I sincerely request that the committee report favorably on H. R. 1203.

In addition, Congressman McDonough submitted the following statements in support of the bill:

THEODORE L. DEBORD,
ATTORNEY AT LAW,
Los Angeles 28, Calif., March 31, 1953.

To Whom It May Concern:

Regarding Ivan B. Johnson, 1519 South Manhattan Place, Los Angeles 19, Ca'if., I wish to state: that I have known Mr. Johnson intimately and well for nearly 5 years; that we have been continuously residing in the same building, which is a 32-unit apartment dwelling; that I have had frequent social and business contacts with him during said time; that he has always displayed outstanding traits of honesty, sincerity, integrity, and high moral standards; that his personal habits and conduct have been exemplary in every respect; that he has never displayed any subversive or disloyal acts or opinions and I would have no hesitancy in personally recommending him as a wholly desirable citizen.

I know that this letter may be used in proceedings now pending and I hereby give my consent to have it used in any manner consistent with its purpose.

I am a naturally born American citizen, from many generations of natural born citizens and licensed to practice law in the States of California and Washington.

Yours very truly,

T. L. DEBORD.

CHAS. B. SHATTUCK,
REALTOR AND CONSULTING APPRAISER,
Los Angeles 7, Calif., March 28, 1953.

To Whom It May Concern:

The purpose of this letter is to certify the fact that I have personally known Ivan Johnson for a period of more than 14 years. I can assure you that he is a very worthy, dependable, and upright man. His wife has been my personal secretary during all that period of time, and I know that Mr. Johnson is the type of individual who we should be very happy to have in our midst. In fact, I would be willing to personally make good every guaranty the Government might require with reference to permitting him to remain in this country.

During the years which I have known him, he and his wife have been unusually devoted to one another, and I am sure that great hardship and harm would be caused this family if they were separated in any way.

Sincerely,

CHAS. B. SHATTUCK.

SHELDON K. JOHNSON,
INVENTIONS,
Van Nuys, Calif., April 17, 1953.

To Whom It May Concern:

I have known Ivan B. Johnson (Lomm) intimately for the past 10 years. I have cherished this friendship because I have found him to be an intelligent, considerate gentleman. I have found his judgments penetrating, sober and balanced. I would trust him fully in any matter and feel that his integrity is beyond reproach.

In this continued association I have been privileged to observe a beautiful example of loving, harmonious domesticity in the married life of Ivan and his wife, Betty. A marriage of some 18 years duration.

I write this letter fully aware of Mr. Johnson's past history both here and in Sweden and of all the reasons for which deportation proceedings have been taken against him, and I sincerely hope that this will contribute to a fuller realization of his sterling qualities.

I am a retired California attorney and real estate broker presently concerned with inventions. My ancestors have been in this country a matter of 300 years. In the light of many years of contemplation of the American scene I would say that Ivan Johnson would make an ideal citizen.

Sincerely,

SHELDON K. JOHNSON.

SOUTH BAY PUBLISHING CO.,
Hermosa Beach, Calif., March 22, 1953.

To Whom It May Concern:

I have known Ivan Johnson for the past 10 years.

He is a man of deep integrity whose qualities of sincerity, honesty, fair judgment and wisdom endears him to his friends and places him in high esteem with business associates.

He is the kind of person we need more of in this country.

Sincerely,

HELEN MCDONALD,
Classified Advertising Manager.

MARCH 23, 1953.

To Whom It May Concern:

I first met Ivan B. Johnson, 1519 South Manhattan Place, Los Angeles, Calif., in 1933. We worked together from 1933 through 1937, and became close friends, a friendship which has continued ever since.

I have always known him to be a man of unquestionable integrity with a strong character and of excellent reputation. I consider myself fortunate to be able to count him among my friends.

CLYDE JOHN SEYMOUR,
Property Owner, West Covina, Calif.

CALIFORNIA CLOCKMAKERS' GUILD,
Los Angeles 46, Calif., April 3, 1953.

To Whom It May Concern:

I have known Mr. Ivan B. Johnson since 1946 by his good reputation as a clockmaker.

In September 1951, Mr. Johnson came to work for me as a clockmaker on an independent contract basis and has been with me ever since. During this time I have learned to know him very well, and we have become close personal friends.

Mr. Johnson has the highest code of ethics, both in and out of business. His honesty and integrity are above reproach, and I have complete confidence in him. He is, in fact, the most trusted among my friends and associates.

I highly commend him both as a clockmaker and as a person.

Sincerely yours,

CLARENCE CROOKSHANK.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1203) should be enacted.

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Calendar No. 320

84TH CONGRESS, 1st Session } SENATE { REPORT No. 311

MAY 16 1955
LAW LIBRARY

KLEONIKI ARGENDELI

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1220]

The Committee on the Judiciary, to which was referred the bill (H. R. 1220) for the relief of Kleoniki Argendeli, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Kleoniki Argendeli. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 52-year-old native and citizen of Greece who was admitted to the United States in 1949, as a visitor coming from China where she had resided since 1921. The beneficiary is a widow and now makes her home with her United States citizen daughter and lawfully resident alien son. She also has a United States-citizen son who served in the United States Armed Forces.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8341, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

JUNE 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8341), for the relief of Kleoniki Argendeli, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would grant permanent residence in the United States to the beneficiary, upon payment of the required visa fee. It would also provide for reducing by one number the appropriate quota. As a native of Greece, the beneficiary would be chargeable to the quota of that country.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KLEONIKI ARGENDELI, BENEFICIARY OF H. R. 8341

The beneficiary, Kleoniki Argendeli, was born on July 27, 1902, at Mytelene, Greece, and is a Greek national. She is a widow. She entered the United States April 7, 1949, at San Francisco, Calif., as a temporary visitor. She has been maintaining that status and her stay has been extended to September 20, 1954.

Mrs. Argendeli resided in Greece until 1921 when she was married and moved with her husband to Shanghai, China. She resided in China until 1949 when she came to the United States. She has three children, and all of them reside in the United States. Nicholas Argendeli, born at Shanghai August 23, 1923, entered the United States for permanent residence at New York on December 22, 1953, and now resides with his mother. Alexander Argendeli was naturalized in United States District Court of San Francisco on March 16, 1954. Her daughter, Mrs. Neil Brown, with whom she resides, is also a naturalized citizen of this country. Mrs. Brown's husband passed away suddenly on November 22, 1949, in Washington, D. C., leaving her with two small children to support. The beneficiary is taking care of the children in order that their mother might work. The son, Alexander, served in the Armed Forces and was thereby enabled to become naturalized in this country. The beneficiary has no income and is dependent for support upon her children. She has no property or assets in the United States or abroad.

The beneficiary attended elementary and high schools in Mytelene, Greece, and has had no specialized training. She claims she has never belonged to any organizations other than the Greek Orthodox Church. Investigation fails to disclose any derogatory features and indicates that she is a person of good moral character.

Congressman William S. Mailliard, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following information in support of the bill:

INFORMATION ON SUBJECT REQUESTING CHANGE IN STATUS

(File No. 1300—983523 Immigration and Naturalization Service, San Francisco, Calif.)

Name: Kleoniki Argendeli.

Residence: 20 North View Court, San Francisco, Calif.

Place and date of birth: Mytelene, Greece, July 27, 1902. Citizen of Greece. Holder of Greek passport No. A–195, issued by the Greek Consulate, Shanghai, China, November 23, 1948. Passport valid until September 20, 1954.

Occupation: Housewife.

Marital status: Widow.

Previous residence prior to coming to United States: 1921–49, Shanghai, China.

Date of arrival in the United States: April 7, 1949, via the port of San Francisco per Steam ship *General Gordon*. Admitted to the United States as a visitor, under the provisions of section 3 (2) of the Immigration Act of May 26, 1924. Documents issued by the United States Consulate at Shanghai, China, February 9, 1949: Passport visa No. 717; Visitor's permit No. V 890188. Visitor's visa has been renewed by the Immigration and Naturalization Service, San Francisco, on several occasions. The present visa has been extended until March 20, 1954, under bond.

STATUS OF MRS. ARGENDELI'S CHILDREN, RESIDING IN THE UNITED STATES

(1) Name: Basilette Argendeli Brown (daughter), United States citizen.
Residence: 20 North View Court, San Francisco, Calif.
Place and date of birth: Shanghai, China, January 7, 1922.
Race: White.
Marital status: Widow.
Occupation: Secretary, Owens-Illinois Glass Co., 350 Sansome Street, San Francisco, Calif.
Date of arrival in the United States: May 4, 1947, via the port of San Francisco per Philippine Air Lines.
Date of naturalization: September 17, 1951, United States district court, San Francisco, Calif., United States naturalization certificate No. 6961309.
Mother of: Beverly Alice Brown, native-born United States citizen.
Residence: 20 North View Court, San Francisco, Calif.
Place and date of birth: San Francisco, Calif., February 23, 1948.
(2) Name: Nicholas Argendeli (son).
Residence: 20 North View Court, San Francisco, Calif.
Place and date of birth: Shanghai, China, August 23, 1923.
Race: White. Citizen of Greece.
Marital status: Single.
Occupation: Chemical engineer.
Date of arrival in the United States: December 22, 1953, via New York, N. Y., under immigration visa No. 14 (China White T1), issued by the United States consulate at Quebec, P. Q., Canada, December 14, 1953.
(3) Name: Alexander Argendeli (son).
Residence: 20 North View Court, San Francisco, Calif.
Place and date of birth: Shanghai, China, April 13, 1933.
Marital status: Single.
Race: White. Citizen of Greece, pending naturalization.
Occupation: United States Army.
Date of arrival in the United States of America: April 7, 1949, via the port of San Francisco, Calif., per steamship *General Gordon*. Admitted to the United States as a visitor, under the provisions of section 3 (2) of the Immigration Act of May 26, 1924 (accompanied by mother). Visitor's permit No. V 890227, issued by the United States consulate at Shanghai, China, February 9, 1949. Status changed to student 4 (e) May 3, 1950. Inducted into United States Army August 13, 1953, U. S. 562-32-563. Presently attending leadership school, Fort Ord, Calif.
Application for naturalization: Petition submitted December 29, 1953, for naturalization, under act of June 30, 1953, Public Law 86, 83d Congress.
File No. 1300—98490 (A 7 350 570) Immigration and Naturalization Service, San Francisco, Calif.
Following are grounds on which request for private bill is based:
(1) Mrs. Kleoniki Argendeli is the mother of Basilette Argendeli Brown, United States citizen. (Mrs. Brown is the widow of Neil Dalton Brown, native-born United States citizen who, at the time of his death in Washington, D. C., on November 23, 1949, was vice president of Globe Wireless, Ltd., 141 Battery Street, San Francisco; and during World War II set up a communications network for the OWI (Office of War Information), and later became Deputy Director of Psychological Warfare in the China-Burma India Theater, serving with Lt. Gen. Albert E. Wedemeyer, and was cited by the United States Army for his wartime services.)
(2) Mrs. Kleoniki Argendeli is the mother of Alexander Argendeli, United States Army, now attending leadership school, Fort Ord, Calif.
(3) Mrs. Kleoniki Argendeli is the mother of Nicholas Argendeli, admitted to the United States, December 22, 1953, under Immigration Quota No. 14 (China White T1).
(4) Mrs. Kleoniki Argendeli is the grandmother of Beverly Alice Brown, United States citizen.
Basilette A. Brown (Mrs. Argendeli's daughter) is working as a secretary in the Owens-Illinois Glass Co., San Francisco, and Mrs. Argendeli takes care of the former's 5½-year old daughter, Beverly. (Forced departure of Mrs. Argendeli would impose a serious economic detriment and physical and moral hardship on Mrs. Brown and her small daughter.)
Mrs. Argendeli left the country of her birth, Greece, in 1921, and has resided in Shanghai, China, from 1941 to March 1949, at which time she came to the United

States. Because of the situation existing in China today, it is impossible for Mrs. Argendeli to return to Shanghai (her home for 28 years); and likewise, her lengthy absence from Greece (33 years) would make her a stranger there.

Mrs. Argendeli's family (3 children and 1 grandchild) are all residing in the United States, and it would cause extreme hardship if the family were separated.

Mrs. Argendeli's presence is most important and essential to the health and welfare of two American citizens: Beverly A. Brown and Basilette A. Brown.

In conclusion, it is requested that a status of permanent resident and United States citizenship be granted Mrs. Kleoniki Argendeli.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1220) should be enacted.

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Calendar No. 321

84TH CONGRESS, 1st Session } SENATE { REPORT No. 312

MAY 16 1955
LAW LIBRARY

MRS. ANATOLY BATENKO AND VLADIMIR BATENKO

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1346]

The Committee on the Judiciary, to which was referred the bill (H. R. 1346) for the relief of Mrs. Anatoly Batenko and Vladimir Batenko, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Anatoly Batenko and Vladimir Batenko. No quota charges are provided for in the bill inasmuch as the beneficiaries were in possession of immigration visas when they applied for admission into the United States. The bill also provides for the posting of a bond as a guaranty that Vladimir Batenko will not become a public charge.

STATEMENT OF FACTS

The beneficiaries of the bill are a 43- and 19-year-old mother and son, both natives of Russia, who last arrived in the United States on December 23, 1952, in possession of immigration visas. The husband and two other children were admitted to the United States for permanent residence. However, the male beneficiary was excluded as mentally defective and the mother was excluded as an accompanying alien. They were subsequently paroled into the United States on condition that the son be placed in a mental institution acceptable to the Public Health Service. All his expenses are being defrayed by his family. The husband and father of the beneficiaries is a minister connected with the Russian Orthodox Church. The examining doctor states that the beneficiary is making good progress and that he may

attain a state of mental development sufficient to become self-supporting.

A letter, with attached memorandum, dated November 17, 1953, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 1519, which was a bill introduced in the Senate for the relief of the male beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 17, 1953.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1519) for the relief of Vladimir Batenko, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would provide that, notwithstanding the provisions of section 212 (a) (1) of the Immigration and Nationality Act, Vladimir Batenko may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VLADIMIR BATENKO, BENEFICIARY OF S. 1519

The aliens, Mrs. Anatoly Batenko, also known as Raisa Batenko, and Vladimir Batenko, are mother and son, and are 43 years of age and 19 years of age, respectively. They arrived in the United States together with Mrs. Batenko's husband, Anatoly, and two other children, Lydia and Tatjana, at New York, N. Y., on December 23, 1952, on the steamship *America*. The husband, Anatoly Batenko, and the two daughters, Lydia and Tatjana, were admitted to the United States for permanent residence. All of the above-mentioned aliens were in possession of immigration visas issued under the Immigration Act of 1924, as amended, and the Displaced Persons Act. Anatoly Batenko and his two children, Lydia and Tatjana, were admitted to the United States for permanent residence, but Mrs. Anatoly Batenko and Vladimir Batenko were held for hearing before a special inquiry officer on the ground that Vladimir Batenko was a feebleminded person at the time of his arrival in the United States and Mrs. Anatoly Batenko was an accompanying alien.

On February 18, 1953, an order was entered excluding Vladimir Batenko from the United States under section 3 of the Immigration Act of 1917, and under section 212 (a) (1) of the Immigration and Nationality Act as a person who is feebleminded. On February 24, 1953, an order was entered excluding Mrs. Anatoly Batenko from the United States under section 18 of the Immigration Act of February 5, 1917, as amended, and under section 212 (a) (30) of the Immigration and Nationality Act, as an alien accompanying another alien ordered to be excluded and deported and certified to be helpless from a mental disability, whose protection and guardianship is required by the alien ordered excluded and deported. On appeal, the decision of the special inquiry officer was sustained and the appeal dismissed. Subsequently, the aliens, Mrs. Anatoly Batenko and her son Vladimir Batenko were released on parole on posting a $1,000 bond, with the condition that Vladimir Batenko be placed in a private institution for treatment, which institution to be approved by the Public Health Service. The alien, Mrs. Anatoly Batenko, was released and proceeded to join her husband and family, and the alien Vladimir Batenko was immediately placed in Gary de Vabre Academy, at Lake Ronkonkoma, Long Island, which institution was approved by the Public Health Service.

Mr. Anatoly Batenko was born in Russia on December 7, 1904, and his wife was also born in Russia on September 7, 1909. This is their first marriage, and besides the three children mentioned above, they have another son, Peter, who was lawfully admitted to the United States for permanent residence about April 1953.

Mr. Batenko is a minister or priest, presently employed as assistant rector of the Holy Virgin Cathedral, 59 East Second Street, New York, N. Y., which is

connected with the Russian Orthodox Church. In the course of his duties, he has also preached in various other communities. With his salary, which is $200 per month, and the salaries of other members of the family, the family income amounts to approximately $875 per month. The charge of the Gary de Vabre Academy for the care of Vladimir Batenko is $130 per month and all the members of the family have agreed to contribute to defray this expense.

The above letter and report was submitted to the Senate Judiciary Committee on S. 1519, 83d Congress, which provided only for a waiver of the excludable ground in behalf of Vladimir Batenko. However, inasmuch as both beneficiaries were excluded and paroled into the United States, the instant bill was introduced to grant the status of permanent residence to both mother and son.

Senate Report 1263 to accompany S. 1519, 83d Congress, reads in part as follows:

UNITED STATES SENATE,
Washington, D. C., April 8, 1953.

Hon. ARTHUR V. WATKINS,
United States Senate, Washington, D. C.

DEAR SENATOR WATKINS: I am enclosing with this letter supporting material for S. 1915 which I introduced in the Senate on April 1.

From all the information which has been made available to me, I believe the Batenko family to be worthy and deserving of assistance and hope that your committee will find that S. 1915 justifies favorable consideration.

Yours very sincerely,

HERBERT H. LEHMAN.

RUSSIAN CHILDREN'S WELFARE SOCIETY, INC.,
New York, N. Y., February 13, 1953.

ATTORNEY GENERAL,
United States Department of Justice,
Immigration and Naturalization Service, Washington, D. C.

DEAR SIR: With respect to the application of Vladimir Batenko for admission into the United States: the Russian Children's Welfare Society is willing and prepared to put up whatever bond will be required in order to admit Vladimir Batenko into the United States.

Very truly yours,

GEORGE NOVITSKY, *President.*

RUSSIAN ORTHODOX GREEK CATHOLIC CHURCH OF NORTH AMERICA,
New York 3, N. Y., February 12, 1953.

ATTORNEY GENERAL,
United States Department of Justice,
Immigration and Naturalization Service, Washington, D. C.

DEAR SIR: With respect to Vladimir Batenko and his application for admission to the United States.

The Russian Orthodox Greek Catholic Church of North America is willing and prepared to insure that all medical, maintenance, subsistence, and any other expenses whatsoever incurred in support of Vladimir Batenko will be paid, to the end that Vladimir Batenko will never become a public charge so long as he lives or resides in the United States.

Very truly yours,

+METROPOLITAN LEONTY,
President and Ruling Archbishop.

RUSSIAN ORTHODOX GREEK CATHOLIC CHURCH OF NORTH AMERICA,
New York 3, N. Y., February 12, 1953.

ATTORNEY GENERAL,
United States Department of Justice,
Immigration and Naturalization Service, Washington, D. C.

DEAR SIR: With respect to the application of Vladimir Batenko for admission into the United States, the undersigned is willing and prepared to accept re-

sponsibility for the welfare and future guidance of Vladimir Batenko and to take Vladimir Batenko into parole and to comply with any and all regulations pertaining to the parole of Vladimir Batenko into the custody of the undersigned.

Very truly yours,

Rev. JOSEPH P. KRETA.

GARY DE VABRE ACADEMY,
Lake Ronkonkoma, Long Island, N. Y., February 14, 1953.

ATTORNEY GENERAL,
United States Department of Justice,
Immigration and Naturalization Service,
Washington, D. C.

DEAR SIR: With regard to the application of Vladimir Batenko for admission into this institution, it is agreed that he will be accepted directly from Ellis Island immigration station. This is agreeable only under the terms directed by the senior associate superintendent of this institution in regard to payment of board, tuition, and other necessities. The amount of tuition and board for this applicant shall be $125 per month for lodging in a semiprivate room, with another mentally retarded male of the same or near the same mental standing as that of the applicant. Payment of this tuition and board shall be payable in advance.

Baron JEAN GARY DE VABRE,
Senior Associate Superintendent.

In addition, Congressman Adam C. Powell, Jr., the author of the bill, submitted the following statements in support of the bill to the Committee on the Judiciary of the House of Representatives:

BRONX 53, N. Y., *March 8, 1955.*

To Whom It May Concern:

Vladimir Batenko of 340 East 184th Street, Bronx, N. Y., was first examined by me on December 21, 1954.

The diagnosis of mental retardation on the basis of severe privation, malnutrition and maltreatment, in a concentration camp, was made.

A favorable prognosis was given based upon evident progress he has been making since attending school.

Reexamination today shows some further progress indicating the possibility of his attaining a state of mental development sufficient to become self-supporting.

Very truly yours,

I. GOTTLIEB, M. D.

THE EDUCATIONAL INSTITUTE,
Brooklyn 1, N. Y., March 7, 1955.

To Whom It May Concern:

We wish to state that Vladimir Batenko, 310 East 184th Street, Bronx, N. Y., has been attending our school since September 1953.

He is being taught individually, and we are glad to say that he is making very good progress.

Yours truly,

E. AGID, *Secretary.*

Senator Herbert H. Lehman has introduced a similar bill, S. 1205, in the Senate. In view of the fact that the committee is reporting H. R. 1346 favorably, the bill, S. 1205, will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1346) should be enacted.

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Calendar No. 322

84TH CONGRESS, 1st Session | SENATE | REPORT No. 313

MAY 16 1955
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MRS. LOTTIE LONGO (FORMERLY LOTTIE GUETLER)

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1351]

The Committee on the Judiciary, to which was referred the bill (H. R. 1351) for the relief of Mrs. Lottie Longo (formerly Lottie Guetler), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Germany who was married to Frank Longo, a native-born United States citizen on July 26, 1952, in Furth, Germany. Mr. Longo served with the Armed Forces from September 1948 to June 1952, and was discharged with the rank of sergeant. He returned to Germany after his discharge to marry the beneficiary of the bill, whom he had known since 1949. The record discloses that in 1951 in Germany the beneficiary pleaded guilty to attempted abortion and was sentenced to 1 month imprisonment. Subsequently, on December 12, 1952, the beneficiary was granted remission from the penalty of imprisonment and the sentence was stricken from the criminal records. Without the waiver provided for in the bill the beneficiary will be unable to join her citizen husband in this country.

A letter, with attached memorandum, dated November 23, 1953, to the then chairman of the Committee on the Judiciary of the House of

Representatives with reference to H. R. 4382, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

NOVEMBER 23, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4382), for the relief of Mrs. Lottie Longo (formerly Lottie Guetler), there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens convicted of crimes involving moral turpitude.

The bill does not specifically limit the applicability of the exemptions to grounds of exclusion of which the Department of Justice or the Department of State has knowledge prior to the date of enactment.

It appears that the alien may be eligible for the issuance of a nonquota immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LOTTIE LONGO, BENEFICIARY OF H. R. 4382

Information concerning the beneficiary of the bill was furnished by her sponsor husband, Frank Longo, a native-born United States citizen who resides at 23–14 42d Street, Astoria, Long Island, N. Y., with his parents. Mr. Longo served in the United States Armed Forces from September 1948 to June 1952 and was discharged with the rank of sergeant.

The beneficiary, Lottie Longo, nee Gutler, is a native and citizen of Germany who was born on September 25, 1927. She was married to Mr. Longo on July 26, 1952, at Furth, Germany. Mr. Longo returned to Germany after his discharge from the Armed Forces for the purpose of being married, since Army regulations prevented him from marrying the beneficiary while in the Armed Forces. He had known her since some time in 1949. As a result of their intimate relations, the beneficiary thought she became pregnant about December 1951. She made efforts to obtain medical attention but the place where she went for such attention was raided by the police and she was arrested and charged with attempted abortion. Mr. Longo said that the beneficiary pleaded guilty to the charge in order not to involve him with the United States military authorities. The alien was sentenced to 1 month imprisonment. A document has been submitted reflecting that on December 12, 1952, Mrs. Longo was granted remission from the penalty of imprisonment and that the sentence be stricken from the criminal records. The beneficiary is now living with her parents in Furth, Germany. She renounced her German citizenship on July 26, 1952, prior to the marriage. She has no relatives in the United States other than her sponsor/husband. Mr. Longo is steadily employed as a screw-machine operator and appears to be financially able to take care of his wife. They have no children.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1351) should be enacted.

Calendar No. 323

84TH CONGRESS, 1st Session } SENATE { REPORT No. 314

MAY 16 1955
LAW LIBRARY

STYLIANOS HARALAMBIDIS

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1490]

The Committee on the Judiciary, to which was referred the bill (H. R. 1490) for the relief of Stylianos Haralambidis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Stylianos Haralambidis. No quota charge is provided for in the bill inasmuch as the beneficiary is the husband of a United States citizen and is therefore a nonquota immigrant.

STATEMENT OF FACTS

The beneficiary of the bill is 29-year-old native and citizen of Greece who last entered the United States at Miami, Fla., on May 10, 1949, as a visitor. On April 20, 1951, he was inducted into the United States Army and stationed at Fort Hood, Tex. He was honorably discharged from the Army on June 28, 1952, because deportation proceedings had been instituted against him since he had remained longer in the United States than permitted. He is married to a United States citizen.

A letter, with attached memorandum, dated June 15, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 1209 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
June 15, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1209) for the relief of Stylianos Harlambidis, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee and head tax. It should be noted, however, that the Immigration and Nationality Act does not require the payment of a head tax. The bill would also direct that one number be deducted from the appropriate immigration quota.

The quota for Greece, to which the alien is chargeable, is oversubscribed.

Sincerely,

A. R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE STYLIANOS HARLAMBIDIS, BENEFICIARY OF H. R. 1209

Stylianos Harlambidis (also known as Stanley Harris), a native and citizen of Greece, was born on February 12, 1926. He last entered the United States at Miami, Fla., on May 10, 1949, when he was admitted as a visitor for a period of 3 months. The period of his authorized stay was subsequently extended until December 10, 1949.

Deportation proceedings were instituted on November 20, 1951. The warrant of arrest contained the charge that the alien, after entry into the United States as a seaman at New Orleans, La., on October 28, 1949, had remained in the United States for a longer time than permitted. This charge was based on the alien's sworn statement that he had entered the United States as a seaman at the time and place mentioned and that he had not previously entered the United States. Upon discovery of the true facts, the Service lodged a new charge against the alien, to wit: that after admission to the United States at Miami, Fla., on May 10, 1949, as a visitor, he had remained in the United States for a longer time than permitted.

On August 12, 1952, the hearing officer ordered the alien's deportation on the new charge. The alien's motion to reopen the hearing was denied and his appeal to the Board of Immigration Appeals was dismissed on December 9, 1952.

At the time of his entry at Miami, Fla., on May 10, 1949, the alien was in possession of a Greek passport and travel documents issued in the name of Antoine Politis (or Antoine Politis Sfakianon). He testified that he could not procure a passport in his own name because he was of military age and could not obtain a permit from the Government of Greece to leave the country. He admitted that he had purchased the passport in Greece from a stranger for a sum equivalent to $85 or $100 in United States money. With this spurious document he departed from Greece in October 1947, and went to Brazil, where he was admitted for permanent residence. In June 1948, he first entered the United States at New York, N. Y., in transit to Montreal. In September 1948, he returned to New York, N. Y., as a visitor and remained for 3 months before departing to Rio de Janeiro, Brazil. His next and last entry into the United States was effected at Miami, Fla., on May 10, 1949, as previously noted. On each occasion the alien was in possession of the Greek passport and travel documents issued in the name of Antoine Politis.

Following his arrival in the United States in 1949, the alien resided in New York, N. Y., where he attended the American Gentlemen Designers School from June to October 1949. He then obtained employment as a cloth cutter and designer in that city from January 1950 until March 1951. In April 1951, he registered with the selective service local board in Jamaica, Long Island, N. Y., and requested that he be inducted into the Armed Forces. On April 20, 1951, he was inducted into the United States Army and stationed at Fort Hood, Tex.

The alien visited the office of the Service at San Antonio, Tex., on October 4, 1951, and requested information as to his eligibility for naturalization. In the course of the investigation conducted by the Service the alien at first testified that his first and only entry into the United States occurred at New Orleans, La., on or about October 28, 1949, as a seaman on a Greek vessel, the steamship

Zoafrafia Fotinoy, and that he had signed on the vessel in Europe. At a later stage of the inqury, the alien contended that he had not previously understood the questions put to him by Service officers. He then testified that, in October 1949, he traveled by train from New York, N. Y., to Mobile, Ala., where he obtained employment on the Greek vessel referred to, but that he had abandoned the vessel when it reached New Orleans because of poor working conditions. The Service has been unable to verify the arrival of such a vessel at New Orleans in 1949.

The alien was honorably discharged by the United States Army on June 28, 1952, because deportation proceedings had been instituted against him. It may be noted that the alien has two younger brothers, Sarantis and Evangelos, who also entered or remained in the United States unlawfully. They too were inducted into the United States Army in 1951, but have been discharged and are believed to have returned to their home in Greece.

On July 18, 1952, the alien enrolled at the College of Arts and Science at the University of Texas in San Antonio, attending classes full time. He is receiving a monthly stipend from the Veterans' Administration and, in addition, earns about $24 a week for part-time work at the Seton Hospital in San Antonio. His parents are residing in Greece. He is unmarried and has no one dependent upon him for support.

Congressman Homer Thornberry, the author of the bill, testified before a subcommittee of the House Committee on the Judiciary in support of his measure as follows:

Mr. Chairman and members of the committee, I am appearing before you this morning in support of my bill, H. R. 1209, for the relief of Stylianos Harlambidis, an honorably discharged veteran of our Armed Forces and the husband of a citizen of the United States.

Mr. Harlambidis enlisted in the United States Army and compiled a notable record until he made application for assignment to a special investigation branch of the Army. It was then learned that he had come into this country illegally, and he was given an honorable discharge from the service.

Because of the nature of his entry into the United States, Mr. Harlambidis was refused naturalization under the provisions of Public Law 86, 83d Congress, and his petition was denied by the United States District Court, Western District of Texas, Austin Division, on April 9, 1954.

Similarly, the beneficiary of my bill would be ineligible to receive a visa if he were to depart from the United States.

Mr. Harlambidis' honorable discharge papers have been filed with your committee, as well as letters of recommendation.

I would like to call your attention to Private Law 985, 82d Congress, approved July 15, 1952. The facts in that case are almost identical to those of the bill before you now, and I urge your early and favorable consideration of H. R. 1209.

The files of a subcommittee of the House Committee on the Judiciary contain the documents referred to in Congressman Thornberry's testimony, which read as follows:

13TH MEDIUM TANK BATTALION, S–4,
1ST ARMORED DIVISION,
Fort Hood, Tex., March 5, 1952.

To Whom It May Concern:

The undersigned has been asked to make a statement concerning the service of Stylianos Harlambidis, US51106906.

While this enlisted man has been under my supervision and control he has proven himself to be an asset to this organization. His honesty, integrity, and ability has never been questioned, and it is my opinion that he will successfully fulfill any job to which he is assigned during his service in the United States Army.

JAMES P. JOHNS,
Captain, Armor, S–4.

HEADQUARTERS, 13TH MEDIUM TANK BATTALION, S–4,
Fort Hood, Tex., June 24, 1952.

To Whom It May Concern:

Cpl. Stylianos Harlambidis, US51106906, Headquarters, Headquarters and Service Company, 13th Medium Tank Battalion, has been working in the Battalion

Supply Office as file clerk, for the past 10 months. He has been working with me, assistant battalion supply officer, for the past 5½ months.

He has shown initiative to do a good jon and conserve equipment and materials. He is willing to work and improve himself in every way.

RUSSEL E. TEMPLE,
WOJG, AUS, Assistant S–4.

HEADQUARTERS, HEADQUARTERS AND SERVICE COMPANY,
13TH MEDIUM TANK BATTALION,
Fort Hood, Tex., June 25, 1952.

Subject: Letter of commendation.

To Whom It May Concern:

Corporal Stylianos Harlambidis has been a definite asset to this organization. He has worked as chief clerk of Battalion S–4 since joining this organization in August of 1951. His duties were performed in a highly superior manner and when called upon to work extra hours, which was frequently, he did it in a cheerful manner even though it created a hardship on himself. I am very sorry to lose him because he was a very efficient clerk and I am sure that it will be a difficult task to find a suitable replacement.

RAMON G. EASTHAM,
First Lieutenant, Armor, Commanding.

HEADQUARTERS, 13TH MEDIUM TANK BATTALION, S–4,
Fort Hood, Tex., June 24, 1952.

To Whom It May Concern:

Cpl. Stylianos Harlambidis, US51106906, Headquarters, Headquarters and Service Company, 13th Medium Tank Battalion, has been working in the Battalion Supply Office as file clerk, for the past 10 months. He has been under my control as Battalion Supply Officer for the past 3 months.

He has shown initiative to do a good job and conserve equipment and materials. He is a hard and conscientious worker.

ROBERT H. FOUNTAINE,
First Lieutenant, S–4.

In addition, Congressman Thornberry submitted the following letter to the House Committee on the Judiciary in connection with the case:

AUSTIN, TEX., *May 26, 1954.*

Re Stylianos Harlambidis.

Hon. HOMER THORNBERRY,
House of Congress, Washington, D. C.

DEAR MR. THORNBERRY: By now you have probably received a copy of the honorable discharge of Mr. Haralambidis; I had the clerk send the copy directly to your office. In addition, I see that you have also received the evidence of the VA's approval of Haralambidis for university training.

I have enclosed the data which was requested by the counsel for the subcommittee; his request was that a copy of the order of the original hearing examiner be had, wherein it was shown that Mr. Haralambidis was denied any right to other affirmative relief under the statutes. As counsel for Mr. Haralambidis during the original deportation hearing, I requested for all possible relief: (1) I requested that he be admitted under the Displaced Persons Act; (2) I requested that he be allowed to remain in this country as a student, by virtue of the fact that he was attending the University of Texas; (3) I requested that he be given the right of suspension of deportation because of hardship; (4) I requested that he be given the right of preexamination; (5) finally, I requested that he be given the right of voluntary departure instead of forcible deportation. The original order of the Hearing Officer in San Antonio denied all of these requests, and ordered the boy deported (this order is not available to me, but is in the Immigration files): Following this denial, I filed a special request to allow me to offer addition evidence on the request for the above relief (enclosed is a copy of the action of the hearing examiner on the request for extension of time to file exceptions and motion to reopen hearing, wherein it it shown that all requests for additional relief were overruled).

In addition to this instrument I enclose a copy of the decree rendered by the Board of Immigration and Naturalization Appeals, indicating affirmation of the original order entered of deportation and denial of affirmative relief. The status of the case is clearly one for legislative relief, for all administrative remedies have been exhausted on the original deportation hearing and appeal thereof; all judicial remedies were exhausted by the filing of the petition for naturalization under Public Law 86, and related servicemen's statutes. This is the point that the counsel for the subcommittee wanted clarified. I explained to him that we had proceeded under all possible categories of relief for Haralambidis, and this was a condition precedent for legislative relief.

I was very happy to get to see you in Washington on my recent trip, Mr. Thornberry, and let me thank you for your warm reception and courtesy while I was there. If there is any additional data which is needed for the hearing in the Haralambidis case, please let me know, and I shall forward the same immediately. As soon as the bill passes the House, I would like to notify one of the Texas Senators to sponsor the bill there. Thank you again for your efforts in this matter; I am

Sincerely,

ARTHUR MITCHELL.

In addition, the then chairman of the Immigration and Naturalization subcommittee of the Senate Committee on the Judiciary received the following letter from Congressman Thornberry with reference to the case:

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 12, 1954.

Senator ARTHUR V. WATKINS,
Chairman, Subcommittee on Immigration,
Senate Judiciary Committee, Senate Office Building,
Washington, D. C.

DEAR SENATOR WATKINS: May I tell you of my personal interest in H. R. 1209 for the relief of Stylianos Harlambidis, which the House passed on last July 20.

I have interviewed Mr. Harlambidis personally, and have carefully gone into his background. This young man served in the Armed Forces of the United States and received an honorable discharge. Because of his service in the Armed Forces, he was able to enter the University of Texas under the GI bill of rights. He is married to an American citizen and they are expecting a child.

If it were not for the fact that I think this is a very meritorious case, I would not attempt to impose on you at this late date in the session. However, I would be deeply grateful to you if the subcommittee could give consideration to this bill before the adjournment of Congress.

Sincerely yours,

HOMER THORNBERRY.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1490) should be enacted.

Calendar No. 324

84TH CONGRESS, 1st Session } SENATE { REPORT No. 315

MAY 13 1955
LAW LIBRARY

ANDREA HERNANDES MONTES ROCHA

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1501]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1501) for the relief of Andrea Hernandes Montes Rocha, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to the commission of a crime involving moral turpitude, one who has been excluded and deported from the United States, and one who obtains a visa by fraud and misrepresentation, in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Mexico, who was married to a United States citizen on December 5, 1948, and they have two United States citizen children. The beneficiary first entered the United States during 1944 with a nonresident alien border-crossing identification card. She again entered as a temporary visitor during 1947 and remained until 1953, when she departed to visit her father in Mexicali. On the same date, the beneficiary attempted to reenter the United States by representing herself to be a United States citizen and presented the birth certificate of another person. At that time, she fraudulently filed an oath of a returning citizen under the name of the rightful holder of the United States birth certificate. On August 17, 1953, she was excluded by a

board of special inquiry as an alien who admitted the commission of perjury, a crime involving moral turpitude, and as an alien who endeavored to enter the United States by wilfully misrepresenting a material fact. In March 1954, the beneficiary was refused an immigrant visa as one who had been excluded and deported and applied for admission within 1 year without first securing permission from the Attorney General to reapply for admission. Her husband states that the beneficiary had very little schooling and that she is wholly dependent upon him for support. Without the waiver provided for in the bill, the beneficiary will be unable to join her citizen husband in this country.

A letter, with attached memorandum, dated June 28, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 7616, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

JUNE 28, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7616) for the relief of Andrea Hernandes Montes Rocha, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service's files relating to the beneficiary by the Los Angeles, Calif. office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) and section 212 (a) (19) of the Immigration and Nationality Act as to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE'S FILES RE ANDREA HERNANDES MONTES ROCHA, BENEFICIARY OF H. R. 7616

The beneficiary, Andrea Hernandes Montes Rocha, also known as Andrea Hernandez-Montes de Rocha and Claudina Montano-Lopez, a native and citizen of Mexico, was born on November 10, 1925. She first entered the United States from Mexico during 1944 with a nonresident alien border-crossing identification card. She again entered the United States as a temporary visitor during 1947 and remained until 1953.

The alien was married to Thomas R. Rocha, a United States citizen, on December 5, 1948. Two United States citizen children, now 3 and 4 years of age, were born of this marriage. On August 15, 1953, the beneficiary departed from the United States to visit her father in Mexicali, Baja California, Mexico. She attempted to reenter the United States on the same date at Calexico, Calif., by representing herself to be a United States citizen and presented the United States birth certificate of another person as proof of United States citizenship. At that time she fraudulently filed an oath of a returning citizen under the name of the rightful holder of the United States birth certificate.

On August 17, 1953, she was excluded by a board of special inquiry under section 212 (a) (9) of the Immigration and Nationality Act, as an alien who had admitted the commission of perjury, a crime involving moral turpitude, and section 212 (a) (19) of that act, in that she endeavored to enter the United States by willfully misrepresenting a material fact, to wit: her true identity and nationality.

On March 25, 1954, the alien was refused an immigrant visa at the American consulate in Tijuana, Mexico, on the same grounds for which she was excluded in 1953, and in addition a visa was refused under section 212 (a) (16) of the Immigration and Nationality Act, in that she was an alien who had been excluded

and deported and applied for admission to the United States within 1 year from the date of such deportation without first securing permission from the Attorney General to reapply for admission.

The beneficiary now resides at 293 North Avenue H, Tijuana, Baja California, Mexico. Information as to her background is meager. Her husband and sponsor of the private bill, Thomas R. Rocha, testified that she has had very little schooling, and comes from a very poor family. She has no personal property, real property, or assets of any kind. She is wholly dependent upon her husband for support.

Her husband, Thomas R. Rocha, was born on June 5, 1927, at Anaheim, Calif. He lives in Anaheim, Calif., with his two children. He was honorably discharged from the United States Navy on July 19, 1946, after serving 10 months, and has been steadily employed since that time with a building contractor as a concrete-mix foreman. He has no personal or real property. He earned approximately $4,300 during 1953 and is the sole support of his wife and two children.

In addition, the Department of State submitted the following report on the case to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, May 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to previous correspondence relative to the case of Mrs. Andrea Hernandez Montes Rocha, beneficiary of H. R. 7616, 83d Congress, 2d session.

Another communication has been received from the American consulate at Tijuana, which reports that Mrs. Rocha made an informal application for an immigrant visa at that office on March 25, 1954. In connection therewith it was ascertained that Andrea Hernandez-Montes, who is believed to be identifiable with Mrs. Rocha, first entered the United States during 1944 with a nonresident border crossing identification card. She again entered the United States as a temporary visitor during 1947, and subsequently failed to depart this country. She was married to an alleged United States citizen on December 5, 1948, and has two United States citizen children. The alien has been residing at Anaheim, Calif., since 1947. On August 15, 1953, she departed the United States in order to visit her father at Mexicali, Baja California, Mexico. On August 15, 1953, she attempted to reenter this country at Calexico, Calif., by representing herself to be Claudina Montano-Lopez and she presented a birth certificate relating to that person, indicating birth in Anaheim, Calif., on November 6, 1922. She also executed a Form I–II, Oath of Returning Citizen, on August 15, 1953, as Claudina Montano-Lopez, and claimed United States citizenship while under oath. She now admits the commission of perjury at Calexico, Calif., on August 15, 1953.

The crime of perjury has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. Furthermore, section 212 (a) (19) of the act renders ineligible to receive a visa and excludable from the United States any alien who seeks to enter this country by fraud, or by willfully misrepresenting a material fact. Consequently, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Rocha.

The available information indicates that Mrs. Rocha's case also falls within the purview of section 212 (a) (16) of the Immigration and Nationality Act, which provides that aliens who have been excluded from admission and deported and who again seek admission within 1 year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General has consented to their reapplying for admission.

At this time the Department has no knowledge of any factor in Mrs. Rocha's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Rocha from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Congressman James B. Utt, the author of the bill, submitted the following documents in support of the bill:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., March 27, 1954.

[Translation (Spanish)]

To Whom It May Concern:

With a request for a favor on my lips and a crime in my heart I beg you to forgive me for the tremendous mistake I made.

I am telling you sincerely that on that fatal day when the immigration people caught up with me I became alarmed and did not understand what I signed when I put my signature under a false oath. I had never been arrested and the shock of that episode will forever remain in my memory.

I obey the laws and fear God; I have lived a clean life and have two beautiful children who would lose their home and mother if I am not given the privilege of entering the United States. My father was seriously [ill] in Mexicali, Mexico, and I had not seen him for several years, and when he asked me that I come to see him I could not refuse.

Now, I understand that what happened wasn't worth the effort in view of what I am going through now. If you will give me another chance, I promise you that I will always observe the laws and traditions of the United States.

I did attend Americanization classes in order to attain what is my heart's desire—American citizenship.

My husband is a World War II veteran, and there was a time when it would not have been very difficult for me to obtain American citizenship; but the mistake has been made and only you can fix it.

Because I love my husband and children more than anything else in the world, I trust to God that you will forgive me for the mistake that I have made and permit me to return to the side of my husband and children.

My children are 3 and 4 years old, respectively, and need me like all small children need their mother.

I pray to the Lord that your great country may forgive me and permit me to return to my home, and I swear to you that I shall work, think, and do everything which will make me an asset to the United States of America.

Thanking you sincerely for the favorable consideration which you may give to my case, I beg to remain,

Your obedient servant,

ANDREA HERNANDEZ ROCHA,
293 North Avenida H., Tijuana Baja, Mexico.

Translated by Elizabeth Hanunian, May 12, 1954.

SANTA ANA, CALIF., *April 6, 1954.*

Hon. JAMES B. UTT,
Congressman, House Office Building, Washington, D. C.

DEAR JIMMIE: I am writing this letter in behalf of a young friend of mine, Mr. Thomas R. Rocha, 7112 Blue Gum Street, Anaheim, Calif., who apparently had some difficulty with the immigration authorities while crossing the border from Mexicali with his wife (who is not an American citizen) on or about August 13, 1953. They had their two children with them who were born in California, and naturally are American citizens. Mr. Rocha himself was born in California and likewise is an American citizen.

The case against Thomas R. Rocha's wife, Andrea Hernandez Montes Rocha, is known by the immigration authorities as booking No. 65997, and apparently she was put under bonds in the amount of $500 at the time the incident occurred, but apparently no prosecution took place, and later at my instigation the bond money was refunded to Mr. Rocha by the clerk, United States district court at Los Angeles.

I don't think any great crime was committed on the part of Mrs. Rocha in this matter, and as she is a very fine woman in my opinion, I think you are justified in giving her all the help that you can, and I am glad to note that you have introduced a bill in Congress in her behalf, which will grant her permission to return to the United States if it is passed.

While living in the United States, Mrs. Rocha did everything she could to learn the English language, and to familiarize herself with the American way of life, so that she could eventually be a good citizen of the United States, and to be a good mother to her family.

As to Mr. Rocha, he is native born, a World War veteran, and a very fine citizen in every respect. He is entitled to and worthy of anything that can be legally done for him. He enjoys the confidence of his many friends and of businessmen throughout Orange County.

Trusting that favorable action will be taken on the bill you have introduced covering this matter, I remain

Very truly yours,

CHARLES HINDLEY,
1715 North Ross Street.

ORANGE UNIFIED SCHOOL DISTRICT,
Orange, Calif., March 17, 1954.

Mr. DORSEY WHITELAW,
United States Immigration Commissioner,
El Centro, Calif.

DEAR MR. WHITELAW: I am writing you in regard to the Andrea Hernandez Montes Rocha case, booking No. 65997.

I have been connected with the evening classes for adults of the Orange Unified School District for the past 10 years. For 2 of those years Andrea Rocha was one of my pupils. She was studying English and citizenship.

She was an earnest, industrious worker, and modest and retiring in manner.

She came to my class with a person whom I admire greatly, one whose sons are prominent businessmen and leaders in their groups.

While I did not know of Andrea's home life, from her associates I had every reason to believe her a fine young woman.

I hope this may help, so that she will be able to return to her family.

Very truly yours,

Mrs. ELMA KADAU.

PLACENTIA ORANGE GROWERS ASSOCIATION,
Fullerton, Calif., March 12, 1954.

To Whom It May Concern:

This is to certify that Mrs. Andrea Rocha who is now in Mexico and wishes to return to her home and family who are living here, was employed by this association from May up into August 1953. She proved herself a most satisfactory employee in every respect. If she is available, we expect to have work for her again this coming season.

We understand that prior to her return to Mexico to visit her sick father, Mrs. Rocha had been attending night classes in our adult education department, with the intention of applying for citizenship in this country.

Very truly yours,

S. B. McMURRAY,
Secretary-Treasurer.
By E. F. STEWART.

PLACENTIA UNIFIED SCHOOL DISTRICT,
Placentia, Calif., February 24, 1954.

Mr. DORSEY WHITELAW,
United States Immigration Commissioner,
El Centro, Calif.

DEAR SIR: I am writing you in regard to the Andrea Hernandez Montes Rocha case, booking No. 65997.

Having known the Rocha family for a number of years, I thought I could add additional light on this case, that might help in your disposition of it.

I have been connected with this school for the past 18 years and have intimate knowledge concerning many of our citizens, in this community. I would say without hesitation, that Tommy Rocha, the husband of Andrea Montes Rocha, is one of the finest young men that it has ever been my privilege to know. Tommy Rocha is a veteran of the last World War, having an honorable discharge from the United States Navy. To my knowledge, he has never been in conflict with the

law, even to the slightest degree. He is a Spanish-speaking citizen that is a credit to our country. He is an agreeable friendly fellow, well liked, and makes friends easily. He has maintained an exceptionally good home, living on a high standard of living. He is in love with his wife and they have two darling baby boys. If this home is broken up, it will mean that these two little boys will have to be deprived of the love and affection that should be theirs.

I don't condone or in any way make excuses for Andrea Rocha for the deed she has done. I know there is no way of knowing how sorry she is for this deed she has committed. Her father was sick and it had been several years since she had seen him, and I suppose she thought it would be worth taking this desperate chance. I doubt very much if she had any idea when she signed this paper, what it really meant. To my knowledge, Andrea Rocha is a high-caliber person. I pray for the sake of her children, that something could be done to bring this girl back to her family.

I will gladly assist you or anyone concerned with all the facts at my command, concerning this family. If by coming to El Centro for an interview with you would help or assist in any way, I would be glad to make this trip. A weekend date would be most convenient, but if this could not be arranged, I would come at your convenience.

Thanking you for any consideration you can show this family, I remain,

Very truly yours,

LA JOLLA SCHOOL,
CHESTER WHITTEN, *Principal.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1501) should be enacted.

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Calendar No. 325

84TH CONGRESS, 1st Session | SENATE | REPORT No. 316

MAY 1 1955
LAW LIBRARY

ELISABETH THALHAMMER AND HER CHILD, HAROLD WILLIAM BUSHMAN III

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1502]

The Committee on the Judiciary, to which was referred the bill (H. R. 1502) for the relief of Elisabeth Thalhammer and her child, Harold William Bushman III, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance and minor child of a United States citizen member of our Armed Forces to enter the United States so that the fiance may marry her citizen fiance and that thereafter she and the child may reside in the United States. The bill also waives the excluding provision of existing law relating to the conviction of a crime involving moral turpitude.

STATEMENT OF FACTS

The beneficiaries of the bill are a 28-year-old mother and 18-month-old son, and they are the fiance and minor child of Harold William Bushman, who is presently serving in the United States Air Force. The record discloses that the adult beneficiary was convicted on two occasions for the crime of theft on September 12 and October 12, 1949. A sum of money and several small articles were involved.

A letter, with attached memorandum, dated August 18, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and

Naturalization Service with reference to H. R. 8265, which was a bill introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

AUGUST 18, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8265) for the relief of Elisabeth Thalhammer, there is attached a memorandum of information concerning this beneficiary and her son, Harold William Thalhammer, whose name is shown in the bill as Harold William Bushman III. This memorandum was prepared from the Immigration and Naturalization Service files relating to the beneficiaries by he Spokane, Wash., office of this Service, which has custody of those files.

The bill would establish the eligibility of Elisabeth Thalhammer, the fiance Harold William Bushman, Jr., a citizen of the United States, and her child, or admission to the United States as temporary visitors for a period of 3 months, provided that Elisabeth Thalhammer is coming to the United States with a bona fide intention of being married to Harold William Bushman, Jr., and she is found otherwise admissible under the Immigration and Nationality Act other than section 212 (a) (9) thereof which relates to the exclusion of persons who admit and have been convicted of the commission of a crime involving moral turpitude, and provided further, that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The bill would also provide that in the event the marriage between the beneficiary and her fiance does occur within 3 months after entry, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the beneficiary and her child as of the date of the payment by her of the required visa fee. In the event the marriage does not occur within that period, Elisabeth Thalhammer and her child shall be required to depart from the United States and upon failure to do so they shall be deported.

In the event the child in this case should be legitimated by his natural father, Harold William Bushman, Jr., he would be regarded as having acquired United States citizenship at birth.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING ELISABETH THALHAMMER AND SON, HAROLD WILLIAM THALHAMMER, BENEFICIARIES OF H. R. 8265

Elisabeth Thalhammer was born in Griesbach, Germany, on January 10, 1927. She is single and has never been in the United States. She presently resides at Sulabogen, 25 Furstenfeldbruck, Germany, with her son, Harold William Thalhammer.

According to information which was furnished by her fiance, Harold William Bushman, Jr., the female beneficiary was convicted of theft in Germany on two occasions, the first in September 1949 and the second in October 1949. Mr. Bushman stated that Miss Thalhammer applied for a visa at the American consulate in Munich, Germany, in November 1952 but that the application was denied.

Mr. Bushman was born in Santa Ana, Calif., on December 23, 1931. He is presently serving as an enlisted man in the United States Air Force. He is stationed at 1905–5 AACS, Det. Larson AFB, Moses Lake, Wash. He commenced his enlistment on July 4, 1949, and presently earns $2,400 a year.

Mr. Bushman stated that he met the female beneficiary in October 1950 while he was stationed in Germany. In April 1952, he made application to the Air Force to marry Miss Thalhammer but it was denied. Nevertheless, they lived together and as a consequence of this relationship, a child, Harold William Thalhammer was born in Germany on October 14, 1953.

In addition, the Department of State submitted the following report to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, December 10, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of March 11, 1954, and its enclosures, wherein you request a report on the visa case of Elisabeth Thalhammer, beneficiary of H. R. 8265, 83d Congress, 2d session.

The American consulate general at Munich, Germany, has reported that Miss Thalhammer was convicted for theft on September 12 and October 12, 1949, by a United States military government court in Germany pursuant to section 242 of the German Criminal Code. The first conviction was based upon the theft by Miss Thalhammer and Emma Kuhn from two members of the United States Armed Forces of $22.45 military scrip, 6,160 deutschemarks, 1 bottle Canadian whisky, 1 cigarette lighter and 1 book with ET taxi tickets. The second conviction was based upon the theft by Miss Thalhammer from a member of the United States Armed Forces of $28.

As theft, also known as larceny or stealing, has been held to constitute a crime involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the American consular officer to whom Miss Thalhammer has applied, would have no choice other than to refuse to issue a visa in her case.

At this time the Department has no knowledge of any factor in Miss Thalhammer's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Thalhammer from receiving a visa.

It may be added that there appears to be no administrative relief available under section 4 of Public Law 770, 83d Congress, 2d session, approved September 3, 1954, inasmuch as the alien was convicted of two separate offenses involving moral turpitude.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman James B. Utt, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter in support of the bill:

ORANGE, CALIF., *May 27, 1954.*

DEAR MR. UTT: I am writing in regard to the emigration case of Elisabeth Thalhammer on which you are now working. We appreciate everything you are doing and every effort which you have put forth on this matter.

I visited in Germany in the summer of 1952. I met Elisabeth, was her house guest in her apartment, and then toured with my grandson and her for a few days. During this time we shared a hotel room; so became quite well acquainted. She was a thoughtful hostess in her tiny apartment, where I found everything spotlessly clean and in order. On our trip I found her to be courteous, quiet, neat, and a person of few words.

Sincerely yours,

Mrs. MARTHA J. HOEFER.

Subscribed and sworn to before me this 28th day of May 1954.

[SEAL] ELLA FENTON,
Notary Public.

My commission expires January 4, 1956.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1502) should be enacted.

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Calendar No. 326

84TH CONGRESS, 1st Session | SENATE | REPORT No. 317

MAY 16 1955
LAW LIBRARY

ROBERT GEORGE BULLDEATH AND LENORA PATRICIA BULLDEATH

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1511]

The Committee on the Judiciary, to which was referred the bill (H. R. 1511) for the relief of Robert George Bulldeath and Lenora Patricia Bulldeath, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Robert George Bulldeath and Lenora Patricia Bulldeath. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 39-year-old husband and his 33-year-old wife who are natives of China and citizens of Great Britain. They last entered the United States on September 29, 1951, as visitors. They were married in an internment camp in China during World War II and left China to escape from communism.

A letter, with attached memorandum, dated April 9, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 967 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same aliens, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
April 9, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 967) for the relief of Robert George Bulldeath and Lenora Patricia Bulldeath, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon the payment of the required visa fees and head taxes, although the Immigration and Nationality Act does not require the payment of a head tax. It would also direct that two numbers be deducted from the appropriate immigration quota. The bill includes a provision that the aliens shall be deemed to have been born in Great Britain. If enacted, therefore, the bill would require the Secretary of State to deduct two numbers from the quota of Great Britain, although the aliens are natives of China and chargeable to the geographical quota of China under the general provisions of the Immigration and Nationality Act.

Since the geographical quota of China is oversubscribed, immigrant visas are not readily obtainable thereunder.

Sincerely,

A. R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROBERT GEORGE BULLDEATH AND LEONORA PATRICIA BULLDEATH, BENEFICIARIES OF H. R. 967

Robert George Bulldeath and his wife, Leonora Patricia Bulldeath, are natives of China, and citizens of Great Britain, who were born on June 21, 1915, and September 29, 1921, respectively. They were married on September 1, 1943, while in an internment camp. They entered the United States at San Pedro, Calif., on October 24, 1951, and were admitted as visitors to remain until January 24, 1952. An extension of stay was granted them to April 24, 1952. Prior to the expiration of their authorized stay a private bill (H. R. 7117) was introduced in behalf of the aliens in the 82d Congress, and no requests were made for further extensions of stay.

Mr. Bulldeath claims to be a bookkeeper-accountant by occupation, while Mrs. Bulldeath states that she is an expert stenographer and typist. From the date of their entry until about June 1952 they resided with friends and relatives in Seattle, Wash., and Sayre, Okla. They brought with them to this country about $2,000 in American money. Under date of June 5, 1952, Mr. Bulldeath advised by letter that, since they wished to keep their remaining capital intact, he had found employment at the Taylor Oil Well Service, located at Alma Corners, Okla.

Mr. Bulldeath stated that his father is deceased, and that his mother and four sisters reside in China. In addition, he has a married sister in England and four married sisters in the United States. Mrs. Bulldeath stated that her mother is deceased and her father resides in Hong Kong. She has one brother in England and another brother in the New Zealand merchant marine.

Congressman Victor Wickersham, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement in support of his measure:

STATEMENT OF VICTOR WICKERSHAM, MEMBER OF CONGRESS

Mr. Chairman and members of the Committee on the Judiciary, because I have personal knowledge of all the facts and circumstances involved and am personally acquainted with Robert G. Bulldeath and his wife, Leonora Patricia Bulldeath, I wish to direct your attention to H. R. 967 and respectfully request your favorable consideration. And I am sure you will agree I would have been derelict in my duties had I failed to appear in such a meritorious case. I know of the many and difficult taks with which you are confronted and of the competent manner in which you have acted thereupon. Therefore, my statement will be brief.

The beneficiaries of this legislation are residents of the congressional district which I represent in Congress—living in Duncan, Okla. Robert G. Bulldeath and his wife are British subjects, though born in China. They did not choose to make application for Chinese nationality, and I cannot understand their

immigration as being allotted to the China quota in the first place. Nevertheless, they have no desire to return to China and could not, if they did. As you know, non-Chinese are given entry permits for China only in those instances when entry would promote communism. Certainly we are all agreed in our fight against communism. Robert G. Bulldeath and his wife left China to escape from communism and have demonstrated their loyalty to America by becoming respected individuals, working wholeheartedly with their associates and taking part in church, civic, and social activities in the community where they reside.

I can and do personally vouch for their good character and trustworthiness and earnestly plead for the favorable reporting of H. R. 967 by this committee. I have numerous affidavits and letters to further substantiate the merits of this bill, which I am happy to submit to you for your perusal, and I welcome an opportunity to answer any question which you may have relative to the merits of H. R. 967.

In addition, Mr. Wickersham submitted the following letters and documents in support of his bill:

W. Ben Turner & Son, Agents,
Sayre, Okla., July 6, 1953.

Hon. Victor Wickersham, M. C.
House of Representatives Office Building,
Washington, D. C.

Dear Victor: In connection with your House bill 967 for the relief of Robert and Lenora Bulldeath, in which you requested information on May 27, concerning their return to China, we should like to bring you to date as follows:

We have written to China to secure evidence that it is absolutely impossible for these people to return to that country. In order for us to get this evidence, it was necessary for us to write to Hong Kong and thence by special courier to Shanghai, and it is taking considerable time to secure this information. Also, we have written to Rev. Father James Thornton, S. J., who has been recently released by the Chinese Communists and returned to this country.

We will secure for you numerous affidavits for presentation by local people as to the Bulldeaths' character since they have been in this country. Owing to the time required to secure information out of Communist China, we trust you can maintain this legislation until such a time as we can secure the evidence you desire. We feel that this evidence should come through within the next few weeks. However, as you probably know, we cannot be certain of anything coming out of Communist China.

We trust this information will enable you to keep this bill before the committee.

Yours truly,

Bill Turner.

Affidavit

United States of America,
State of Virginia, County of Albemarle, to wit:

Cornell S. Franklin being first duly sworn on oath deposes and says: that he is an American citizen, having been born in Columbus, Miss., on April 1, 1892; that his present address is Keswick, Va.; that with the exception of 2 years during the Second World War he resided in Shanghai, China, and practiced law there from 1921 to 1951; that in December 1951, after waiting 11 months for an exit permit, he was fortunate enough to get out of Communist China and return to his native land; that he knows of his own knowledge that prior to his departure from China it was even more difficult for a non-Chinese to obtain an entry permit than an exit permit and that entry permits were given to non-Chinese only where they could show compelling reasons for their entry into China and such reasons were in the interest of Communist China; that he knows of no reason why the policy of Communist China with reference to entry permits should have changed since his departure and he has been informed that there has in fact been no change; and that he is satisfied that it would now be impossible for Robert G. Bulldeath and his wife, Leonora P. Quincey Bulldeath, both British subjects now residing in Duncan, Okla., to obtain entry permits from Communist China enabling them to return to their former home in Shanghai, China, where they were born.

And further affiant sayeth not.

Cornell S. Franklin.

Subscribed and sworn to before me, this 3d day of November 1953, by Cornell S. Franklin, in my county aforesaid, State of Virginia.

[seal]

B. G. Bishop,
Notary Public.

My commission expires the 2d day of May 1956.

AFFIDAVIT

I, Percival Walter Mansfield, a British subject, company director, of S. J. David & Co., Ltd., David House, 67/69a, Des Voeux Road, Central, Victoria, in the colony of Hong Kong, hereby make oath and say as follows:

1. That I was in Shanghai in May 1949, when the city was taken over by the Chinese People's (Communist) Government.

2. That I continued to live there from that time until I left the city on October 22, 1951.

3. That I thus spent the period from May 1949, to October 1951, 30 months, in Communist China.

4. That I left Shanghai voluntarily and only because living conditions under the Chinese Communist administration became entirely unsuited for foreign residence.

5. That all the hospitals formerly established by foreigners and managed and staffed by foreign doctors and nurses for the use of the foreign population, have been taken over by the native government.

6. That those hospitals are now managed by the native government and are staffed by native doctors and are for the use, primarily, of the native population.

7. That nearly all the foreign doctors have left the city and, in case of illness, decent medical attention is out of the question.

8. That all schools, formerly conducted by foreigners for foreign children, have been closed.

9. That all foreign Roman Catholic priests and the ministers of other religious denominations are being expelled from China, and their churches are being conducted on Communist lines by native pastors of Communist complexion.

10. That all recreational space formerly reserved and used by the foreign population for recreational purposes has been taken over by the native government, and there no longer exists any public place of recreation for foreign residents.

11. That, to the best of my knowledge and belief, all those foreign business houses that have been able to secure permission to close their offices, have done so, and any foreigner returning to Shanghai, were that possible, would find it practically impossible to secure employment or to make a living there.

12. That it is my conviction that living conditions in Shanghai are no longer suited to foreigners, and that the Communist administration look with suspicion upon all of them and discourage their continued residence there.

13. That permits for foreigners to reenter China are given only to a very few selected persons and only under exceptional circumstances.

14. That no foreigner, having left China, would receive a permit to reenter the country only because of birth within the country or by reason of extended residence there. Permission for persons to reenter China is arranged by individuals or business houses domiciled within the country, and no person could obtain a reentry permit without a sponsor domiciled in China.

15. That, in the case of Mr. and Mrs. Robert G. Bulldeath, I know that the firm by whom Mr. Bulldeath was formerly employed, the Yih Tsoong Tobacco Co., Ltd. (formerly known as the British American Tobacco Co., Ltd.), have closed their offices in Shanghai. His former employment is thus no longer open to him, and, to the best of my knowledge and belief, it would be quite impossible for him or his wife to obtain permits to reenter China, should they desire to do so.

Dated at Hong Kong this 8th day of October 1953.

(Signed) J. MANSFIELD.

COLONY OF HONG KONG,
City of Victoria,
Consulate General of the United States of America, ss:

Subscribed and sworn to before me, Frank J. Haughey, vice consul of the United States of America in and for the British Crown Colony of Hong Kong, duly commissioned and qualified, this 8th day of October 1953.

[SEAL] FRANK J. HAUGHEY,
Vice Consul of the United States of America.

Service No. 2982, fee, United States $2.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1511) should be enacted.

MAY 16 1955

MAY 16 1955
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Calendar No. 327

84TH CONGRESS, 1st Session | SENATE | REPORT No. 318

JANIS ARVIDS REINFELDS

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1638]

The Committee on the Judiciary, to which was referred the bill (H. R. 1638) for the relief of Janis Arvids Reinfelds, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is mentally defective in behalf of the minor child of lawful permanent residents of the United States. The bill also provides for the posting of a bond as a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is an 8-year-old native of Germany who was born of Latvian parents in a displaced persons camp in Germany. The mother and father entered the United States as displaced persons, but the beneficiary was unable to accompany them because he was found to be ineligible to receive a visa because he was afflicted with feeblemindedness. The enactment of the instant bill would permit these lawful resident aliens to be reunited with their dependent son.

A letter dated February 18, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office of the Department of State with reference to H. R. 7406 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF STATE,
Washington, February 18, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of February 8, 1954, and its enclosures, wherein you request a report of the facts in the case of Janis Arvids Reinfelds, the beneficiary of H. R. 7406, 83d Congress, 2d session.

The Department has on file a communication from the American consulate general at Frankfort which reports that Janis is registered on the waiting list for the Latvian quota, with priority as of July 17, 1950. He was invited to appear at the consulate general for a medical examination on June 30, 1953, at which time the United States Public Health Service physician issued a medical certificate with the diagnosis of "Mongolism" (feeble-mindedness).

Section 212 (a) (1) of the Immigration and Nationality Act renders ineligible to receive visas and excludable from the United States aliens who are feeble-minded. As a consequence, the responsible consular officer had no choice under the law but to withhold the issuance of an immigrant visa to the child in question.

At this time, the Department has no knowledge of any factor in Janis' case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude the child from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office,
(For the Acting Secretary of State).

The chairman of the Committee on the Judiciary of the House of Representatives received the following letter from Congressman John V. Beamer, the author of the bill, in support of his measure:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Judiciary Committee,
House Office Building, Washington, D. C.

DEAR MR. REED: I should like to call your attention to the merits of the case which is involved in my private bill H. R. 7406 for the relief of 6-year-old Janis Arvids Reinfelds.

Although I realize that this child is inadmissible by our immigration laws, I am still asking that he be reunited with his parents if at all possible. These parents have already had a great deal of hardship and tragedy in their lives. They are displaced Latvians who, of course, lived in a concentration camp in Germany when this son was born. The agony they are suffering is greater than they could have imagined when they had to leave their son behind.

The community of North Manchester which sponsored this couple and who are now in many instances recommending them to you, is a Dunkard College group. This particular religious sect is known for its good judgment and honor so that I do not think there will be any false statements or insincere remarks among their letters. I know that college group well, for I live within 15 miles of this locality and many of these people are my personal friends.

Therefore, I ask that this matter be given your very careful consideration at an early date since I understand the rules of your committee permit separation of family cases to have a preference hearing date.

Sincerely yours,

JOHN V. BEAMER, M. C.

In addition, Mr. Beamer submitted the following letters in support of his bill:

NORTH MANCHESTER, IND., *April 7, 1953.*

Subject: Mr. Reinfeld's request for the permission of immigration for his 6-year-old son Janis, living now in Germany.

Hon. JOHN V. BEAMER, M. C.
House of Representatives, United States,
Washington, D. C.

DEAR SIR: My wife and I came to the United States on June 10, 1952. But we had to leave in Germany our only child, 6-year-old Janis Arvids Reinfelds,

born on December 16, 1946, because the doctors of the Immigration Commission in Germany did not let him come with us.

Our son is physically strong and healthy child, but his mental development has been slower than usually, and doctors qualify him as a child mentally retarded.

We had no other way to start a normal human life again than to come over here, and it was very hard to leave the helpless child behind, but we did it hoping and believing that some day he will be allowed to follow us. Meanwhile we left him at a Lutheran Church institution: Johannesanstalt Schwarzacher Hof, uber Aglasterhausen/Baden, Germany.

For the first months the German Jugendamt took full care of him, but from now on we have to send 4.70 deutschemarks daily for his board.

We live in North Manchester, Ind., and I am a maintenance worker at Manchester College. My earnings are $2,600 a year. Besides I do some piano repair work in my spare time, and I am able to support my child fully.

I have the family of my sister-in-law at Greenville, Miss. Her husband earns $3,600 a year, and they are ready to help us at any time.

We are citizens of Latvia, but as we are of German origin (my grandfather was of German origin, but grandmother and mother were Latvians), we came to the United States under the ethnic German quota.

My immigration number is A8324890, my wife's A8324891.

Dear sir, because of my west democratic convictions I was hit hard by the communistic as well as by the national socialistic occupation powers in Latvia. Thanks only to good fortune we survived the difficult years 1940–45. We left Latvia when Communists took it over. We lost our families, our properties our country then. Our child was born in the very hard days in Germany. Now we had to part even from him. Every day is a day of pain and sorrow as long as we are not united with our little son, for we want to help him in learning and growing up as only loving parents can do.

Therefore, we beg you sincerely to do whatever you can do so that we could have our poor little child with us.

Waiting hopefully for Divine help we hope help from you.

Very truly yours,

VILIS A. REINFELDS.
ELVIRA REINFELDS.

NORTH MANCHESTER, IND., *April 19, 1953.*

JOHN V. BEAMER, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. BEAMER: Thank you very much for your prompt letter of April 15 and for Mrs. Beamer's and your efforts in our behalf. The data concerning our immigration is as follows:

We received the assurance from our sponsor in the United States in September 1951, and we made our applications for immigration on September 13, 1951, in Munich, Germany, by the help of Evangelische Hilfswerk fur Deutschland.

On April 15, 1952, we received our visas from the Office of the American Embassy, Munich, Funk-Kaserne, Germany. The Immigration and Naturalization Service approved them on April 17 at the same place.

After coming to the United States, we received our registration card's from the Immigration and Naturalization Service, Miami, Fla. The numbers of our R. C. are: Vilis A. Reinfelds, A 8324890 I 463187, Elvira Reinfelds, A 8324891 I 463188.

The doctors of the United States of America Immigration Commission in Germany rejected our son as one who could not meet the requirements of the Commission. We know that ours is a special case, and this is the very reason why we are asking for your help and hoping that you, Mr. Beamer, will find that special way which will make possible our child's immigration to this country.

Our child is not retarded mentally in such a degree that he could not become a good worker and citizen. The director of his institution wrote to us recently: "Your child develops satisfactorily; also mentally there has been a sure step forward. Only talking he learns slowly."

I must add that the first 5 years of his life our child did hear only Latvian language, but now he has to hear and talk only German. This makes the talking for him an extremely difficult matter.

We hope and believe that with your help, we shall be able to have our child in this country. Thank you once more.

Very truly yours,

VILIS A. REINFELDS.
ELVIRA REINFELDS.

MANCHESTER COLLEGE,
North Manchester, Ind., January 28, 1954.

Re H. R. 7406.
COMMITTEE ON IMMIGRATION,
House of Representatives, Washington, D. C.

HONORABLE SIRS: The purpose of this letter is to introduce or better acquaint you with Mr. Vilis Reinfelds. Through my office as treasurer, I have been acquainted with Mr. Reinfelds since August 1952. He is a man of unusual energy, good judgment, and high morals. Mr. Reinfelds assumes responsibility and is fully trustworthy. He has impressed his associates with his mastery of the English language as well as his ability to adjust, with enthusiasm, to the American way of life. There is no doubt about his attitudes and conduct as a good, loyal citizen of the United States.

Mr. Reinfelds is well qualified to make an independent living. He has a promising business rather well established. It is my hope and recommendation that the request of Mr. Reinfelds be given most favorable consideration.

Sincerely yours,

DAVID B. YEATTER.

MANCHESTER COLLEGE,
North Manchester, Ind., January 26, 1954.

HOUSE COMMITTEE ON IMMIGRATION,
House of Representatives, Washington, D. C.

GENTLEMEN: I'm writing with reference to the character and citizenship of a Mr. Villis Reinfelds, of 103½ South Mill Street, North Manchester, Ind. Your committee will be considering a private bill introduced by Representative John V. Beamer for the admission of the Reinfelds child who is currently detained in Germany.

Mr. Reinfelds was employed by the college in maintenance work for a period of 15 months after his arrival in this country. I think we have never had a more industrious person on our maintenance staff and he has given every evidence of sufficient application to his work to justify the belief that he will be well able to support his wife and this one child. There are no other children.

We regard Mr. Reinfelds and his wife as good citizens of the community and do not anticipate that they will ever become public charges or in any sense undesirable persons.

I, therefore, express to you my personal hope that the legislation to admit the Reinfelds child will receive favorable consideration by your committee.

Respectfully,

R. V. BOLLINGER.

MANCHESTER COLLEGE,
North Manchester, Ind., January 27, 1954

The COMMITTEE ON IMMIGRATION,
House Office Building, Washington, D. C.

DEAR SIRS: Mr. Villis Reinfelds worked on the campus of Manchester College for a period of 15 months as a maintenance man. We found him a most willing and industrious worker. He has great energy and worked intelligently and efficiently at many and varied tasks. We found him entirely satisfactory.

Mr. and Mrs. Reinfelds lived in our community and showed themselves good citizens of the community. As far as we know them, we can give them the highest recommendations.

They seem thoroughly capable of maintaining themselves and could support children, were there any.

Yours very truly,

V. F. SCHWALM.

ST. JOHN EVANGELICAL LUTHERAN LATVIAN CHURCH,
Kalamazoo, Mich., August 3, 1953.

To Whom It May Concern:

The St. John Evangelical Lutheran Latvian Church of Kalamzaoo, Mich., located at 1215 West Lovell Street, Kalamazoo, Mich., United States of America, is willing to sponsor Janis Reinfelds, age 7, son of Mr. and Mrs. Vilis Reinfelds residing at 103½ South Mill Street, North Manchester, Ind., United States of

America. Janis Reinfelds, Latvian displaced person, is residing 17a Aglasterhausen Baden, Johannesanstalt Schwarzacher Hof., Germany.

We do hereby state that he will not become a public charge when admitted to the United States.

We are willing and able to undertake the full responsibility for him.

Rev. JANIS TURKS, *Pastor.*
R. OZOLS, *Chairman.*

STATE OF MICHIGAN,
Kalamazoo County, ss:

On this 4th day of 1953, before me the subscriber, a notary public in and for said county, personally came the above-named, R. Ozols and Janis Turks, to me known to be the persons described in and who executed the foregoing statement, and that the execution thereof is their free act and deed.

FAYE COOPER,
Notary Public, Kalamazoo County, Mich.

My commission expires October 24, 1953.

AFFIDAVIT OF SUPPORT

I, the undersigned, Karlis Barenis, born the 13th of September 1907, in Latvia, Evangelical Lutheran, emigrated to the United States of America in 1949, and now residing in Greenville, Miss., 650 West McCorkle Circle, do hereby guarantee that Janis A. Reinfelds, born December 16, 1946, son of Vilis A. Reinfelds, born July 19, 1912, will never become a public charge after his arrival in the United States.

My average income in my occupation of piano repair and tuning is $4,500 per annum.

I hereby promise that in any case, if it will be necessary, to support and care for Janis A. Reinfelds.

KARLIS BARENIS.

STATE OF MISSISSIPPI,
County of Washington, ss:

Sworn to and subscribed before me, a notary public, this 25th day of July 1953.

[SEAL] HECTOR L. TOWNSEND,
Notary Public.

My commission expires July 13, 1954.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1638) should be enacted.

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Calendar No. 328

84TH CONGRESS, 1st Session } SENATE { REPORT No. 319

MAY 16 1955
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REGINA BERG VOMBERG AND HER CHILDREN, WILMA AND HELGA VOMBERG

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1645]

The Committee on the Judiciary, to which was referred the bill (H. R. 1645) for the relief of Regina Berg Vomberg, and her children, Wilma and Helga Vomberg, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance of a United States citizen member of our Armed Forces and her two children to enter the United States in order that the fiance may marry her citizen fiance and that she and her children may thereafter reside in the United States. The bill also waives the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the fiance of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of Germany. She met her fiance while he was stationed in Germany with the United States Army and they have been engaged since 1951. He has been a member of the Army since June 15, 1942, and he is presently stationed at Fort Jay, Governors Island, N. Y. The fiance has two children by a former marriage. The beneficiary fiance has been found to be ineligible to receive a visa because she was convicted in Germany on March 14, 1944, of theft, a crime involving moral turpitude.

A letter, with attached memorandum dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8215 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same aliens, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., August 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8215) for the relief of Regina Berg Vomberg, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would grant this alien and her 2 children, Wilma and Helga, visas as nonimmigrant temporary visitors for a period of 3 months, provided it is found that Regina Berg Vomberg is coming to the United States with a bona fide intention of marrying John C. Fenerty. This exemption would apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. The bill further provides that in the event the marriage of these persons occurs within 3 months after her entry, the Attorney General is directed to record the lawful admission for permanent residence of Regina Berg Vomberg and her 2 children, Wilma and Helga, as of the date of the payment by them of the required visa fee. The bill further provides that in the event this marriage does not occur within 3 months after her entry, she and her 2 children shall be required to depart from the United States and upon their failure to do so they shall be deported.

Sincerely,

J. W. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE REGINA BERG VOMBERG, BENEFICIARY OF H. R. 8215

The beneficiaries have never been in the United States. The following information has been furnished by Mr. John C. Fenerty, the sponsor of the bill.

Regina Berg Vomberg was born in Germany on June 11, 1918. She is a German citizen. She was married to a Theodore Vomberg who was killed in Russia May 29, 1943, while serving with the German Army. She has 2 children, Wilma and Helga, twin girls, born February 24, 1941. She received a grammar school education. She is now employed as a domestic for various American servicemen in Germany. She has always lived in Germany except for a short period when she resided in Czechoslovakia. She has been informed she is not eligible to receive an immigrant visa due to the commission of a crime involving moral turpitude. She was convicted on March 14, 1944, of committing burglary. She was also convicted on September 10, 1948, of violating the identity document regulation and on February 15, 1951, for tax evasion.

John C. Fenerty was born in Philadelphia, Pa., on December 6, 1917, and is a United States citizen. He is a high school graduate. He has been in the United States Army since June 15, 1942. He is now stationed at Fort Jay, Governors Island, New York, N. Y. He served in the Army in Europe from April 1944 to June 1945 and in Germany from June 1946 to June 1949, and also from June 1950 to February 1954. He became acquainted with the beneficiary in December 1950 and they have been engaged since 1951.

Mr. Fenerty has never been married. His assets consist of $2,100 in cash and property. He has four brothers and a sister, all United States citizens, living in this country.

The Committee on the Judiciary of the House of Representatives also received the following letter, dated April 10, 1954, from the Director of the Visa Office of the Department of State:

DEPARTMENT OF STATE,
Washington, April 10, 1954.

Hon. CHAUNCEY W. REED,
Committee on the Judiciary, House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of March 9, 1954, and its enclosures, wherein you request a report of the facts in the case of Miss Regina Berg Vomberg, beneficiary of H. R. 8215, 83d Congress, 2d session.

A communication received from the American consulate general at Munich reports that on March 14, 1944, Miss Vomberg was convicted by the district court at Juelich of theft. There is quoted below a translation of her penal record maintained by the county court at Aachen:

"1. District court Juelich: 3 DLs.4/44–March 14, 1944 burglary—section 242, 243,2,74 G. C. C. Four months' imprisonment, term partially served on July 8, 1944, for remaining prison term on July 4, 1944, probation time was granted until July 8, 1947.

"2. District court Ludwigshafen/Rhine: 5 Cs.1234/48, September 10, 1948, violation of identity document regulation, article II/25 Military Government Order No. 1. 10 DM fine or 2 days' imprisonment.

"3. Main Customs Office Augsburg: St. L. 460/50 February 15, 1951, tax evasion, section 396, 401, 391 Tax Regulations. 10 DM fine, 3.30 DM compensation.

"By order of the chief public prosecutor of Aachen, dated December 19, 1952—2 AR.54/42."

The crime of theft has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to withhold the issuance of an immigrant visa to Miss Vomberg.

At this time, the Department has no knowledge of any factor in Miss Vomberg's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Vomberg from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1645) should be enacted.

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Calendar No. 329

84TH CONGRESS, 1st Session | SENATE | REPORT No. 320

DAVID MANUEL PORTER

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1665]

The Committee on the Judiciary, to which was referred the bill (H. R. 1665) for the relief of David Manuel Porter, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child to be adopted by United States citizens the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is an 11-year-old native and citizen of Portugal. He is 1 of a family of 9 children whose mother died when he was 4 years old. He has been released into the custody of Warren R. Porter and his wife, United States citizens who have furnished assurances that they will adopt the child if he is permitted to enter the United States. There are no laws providing for the adoption of children in Portugal. The prospective father resides in California and the prospective mother is residing with the child in France, pending his admission into the United States for adoption.

A letter, with attached memorandum, dated June 28, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 7498 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 28, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7498) for the relief of David Manuel Porter, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child by providing that he shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the beneficiary would be chargeable to the quota of Portugal.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DAVID MANUEL PORTER, BENEFICIARY OF H. R. 7498

The information concerning the beneficiary has been furnished this Service by the male sponsor, Warren R. Porter.

The beneficiary, David Manuel Porter, who is also known as Manuel Jacinto Pacheco, is a native and citizen of Portugal, born on May 16, 1943. He was 1 of a family of 9 children, 5 boys and 4 girls, of Portugal citizen parents. His mother died when he was about 4 years of age and he was subsequently placed in a Catholic orphanage at Ponta Delgado on the island of San Miguel, a Portuguese possession. It is alleged that the eight brothers and sisters of the beneficiary were all wards of the Government of Portugal due to the father's inability to properly care for them.

The beneficiary was given into the custody of Warren R. Porter and Betty O'Brian Porter, his wife, by the Catholic priest in charge of the Catholic orphanage, Ponta Delgado, San Miguel, Portugal, on December 28, 1952, with the approval and consent of the beneficiary's father, Marcelino Zeferino Pacheco. His adoption in Portugal was not possible due to the fact that there is no law in that country providing for the adoption of children. He is presently residing with Mrs. Porter at a United States Armed Forces Dependents' School at Chateauroux, France, where Mrs. Porter is employed as a teacher.

At the time the beneficiary was given into the custody of Mr. and Mrs. Porter, Mr. Porter was a civilian employee of the United States Air Force stationed at Lajues Field, Azores. Mr. and Mrs. Porter were unsuccessful in efforts to obtain an immigration visa for the beneficiary. Mr. Porter returned to the United States and his wife accepted her present employment in order that she could remain with the beneficiary until such time as it may be possible to bring him to the United States.

Mr. and Mrs. Porter are both native-born United States citizens. Mr. Porter was born July 21, 1918, at Montebello, Calif., and Mrs. Porter was born April 11, 1916, at Therlow, Mont. Mr. Porter was a member of the United States Navy from 1941 until 1945. He was a civilian employee of the United States Air Force, Azores, from March 1952 until November 1953. He is presently residing at his permanent address, 601 McBride Avenue, Los Angeles, Calif. He is employed by the Northrop Aircraft Corp. in Hawthorne, Calif., at a salary of approximately $250 per month. Mrs. Porter's salary is reported to be $300 per month. Mr. and Mrs. Porter were married on May 18, 1947, at Santa Clara, Calif. No children were born of this marriage; however, Mrs. Porter has an adult son by a previous marriage. The assets of Mr. and Mrs. Porter total approximately $3,200 consisting of $1,700 in cash and undeveloped acreage.

The records of the Criminal Identification Bureau of the Los Angeles County Sheriff's Department reflect that the male sponsor, Warren R. Porter, was arrested on February 28, 1937, by the Lynwood, Calif., Police Department and charged with suspicion of grand theft, auto. He was released on probation March 15, 1937. He was arrested at San Dimas, Calif., on August 19, 1937, and charged with petty theft on which charge he was convicted and sentenced on the same date to 90 days in jail. He was released on parole October 8, 1937.

Congressman Chet Holifield, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following affidavit in connection with the case:

AFFIDAVIT OF WARREN R. PORTER

COUNTY OF LOS ANGELES,
State of California, ss:

Warren R. Porter, being duly sworn, deposes and says:

That he resides at 601 South McBride Avenue, Los Angeles 22, Calif., and is a native and citizen of the United States;

That he is the foster father of David Manuel Porter also known as Manuel Pacheco, who is the subject of H. R. 7498 introduced by Congressman Chet Holifield;

That this affidavit is being prepared for the purpose of supplementing information heretofore supplied by the affiant concerning his foster son;

That following the deliverance of the child to the custody of affiant and his wife by the natural father on or about December 27, 1952, at which time the said father gave full written consent for adoption of his son by Mr. and Mrs. Warren R. Porter, such consent being witnessed by the priest of the orphanage where the child was maintained as well as three other disinterested persons, affiant sought to take action toward adopting the boy in Portugal; that affiant was informed by the priest of the orphanage as well as by an official of the American consulate at San Miguel, Azores, that there is no adoption law in Portugal; that, as the result of such information, affiant and his wife resolved to accomplish the formal adoption of the child as soon as it were possible to immigrate him to the United States;

That on or about October 1953 he had a conversation with the Governor of the island of San Miguel relative to the said child and was informed by the Governor that he had full knowledge of the case and was very happy that the affiant and his wife had custody of the child and were taking him to the United States; that thereafter the office of the said Governor issued a Portuguese passport to the child for embarkation to France preparatory to seeking admission to the United States; that he was informed by the Portuguese officials and the aforesaid American consulate that the written consent to adoption signed by the natural parent of the child was sufficient legal authority for him to have custody of the child and to adopt it subsequently in the United States.

That if his foster son is permitted to enter the United States, he and his wife, Betty I. Porter, will take immediate steps under the laws of the State of California, the place of their residence, to formally adopt the aforesaid David Manuel Porter, also known as Manuel Pacheco;

That he is presently employed as an assembler at Northrup Aviation Co., Hawthorne, Calif., and earns approximately $300 a month; that he also is employed as a lather for independent contractors and has supplemental income in the amount of $200 a month; that he is willing and able to receive, maintain, and support his foster son, and he is ready and willing to deposit a bond, if necessary, with the United States immigration authorities to guarantee that such prospective immigrant will not become a public charge.

WARREN R. PORTER.

Subscribed and sworn to before me this 30th day of June 1954.

[SEAL] MARSHALL E. KIDDER,
Notary Public in and for the County of Los Angeles, State of California.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1665) should be enacted.

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Calendar No. 330

84TH CONGRESS, 1st Session | SENATE | REPORT No. 321

MAY 16 1955
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MAREK S. KOROWICZ

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1679]

The Committee on the Judiciary, to which was referred the bill (H. R. 1679) for the relief of Marek S. Korowicz, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Marek S. Korowicz. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 52-year-old native and citizen of Poland who last entered the United States in September 1953, as a Polish delegate to the United Nations. On the day after his arrival, the beneficiary requested asylum in this country. In 1954, he submitted an application for adjustment of his status under section 6 of the Refugee Relief Act, but he withdrew this application after he learned he was not eligible inasmuch as his entry into this country occurred after July 1, 1953. The beneficiary has received his master-of-laws degree, and he has written over 30 books which have been published. He is presently a research professor of international law and international organization at the Fletcher School of Law and Diplomacy, Tufts College, where he has a 2-year appointment. He has written many articles and made many radio appearances in this

country, for which he has received no money. The beneficiary has been divorced since 1946 and his former wife resides abroad.

A letter, with attached memorandum, dated July 20, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8479, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JULY 20, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to bill (H. R. 8479) for the relief of Marek Stanislaw Korowicz, there is annexed a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of these files.

This bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The alien is chargeable to the quota of Poland.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MAREK STANISLAW KOROWICZ, BENEFICIARY OF H. R. 8479

The beneficiary, Marek Stanislaw Korowicz, who has also been known as Kornreich and Komar, is a native and citizen of Poland, who was born on March 11, 1903. He last resided abroad in Poland and now lives at 17 Hurlbut Street, Cambridge, Mass. His only entry into the United States was on September 14, 1953, at New York, at which time he was admitted as a diplomat for the duration of his existing status. He was at that time a member of the Polish delegation to the United Nations. He is alleged to have attended one meeting of the United Nations as a member of the Polish delegation when he was to have assumed the post of President of the United Nations Committee of Jurists. On the second day after entering the United States, he left the Polish delegation and sought political asylum in the United States.

On February 17, 1954, the beneficiary submitted an application to adjust his immigration status under section 6 of the Refugee Relief Act of 1953. On April 8, 1954, he withdrew this application after he learned that he was not eligible for relief under said act, inasmuch as his entry into the United States occurred after July 1, 1953.

The beneficiary has had an extensive education, having attended the University of Dijon in France and the Yagellonian University of Krakow, Poland, where he received his degree of master of law. He has been a professor at Yagellonian University, Katowicz College, University of Warsaw, and the University of Marie Curie, all in Poland. He has written over 30 books which have been published, some of which are in the Library of Congress, Washington, D. C. The beneficiary, who has no children, has been divorced since 1946, and his former wife resides abroad. He has three nephews residing in the United States.

The beneficiary is presently a research professor of international law and international organization at the Fletcher School of Law and Diplomacy, Tufts College, Medford, Mass., where he has a 2-year appointment at $7,000 per annum. He has written many articles and made many radio appearances in the United States, for which he has received no money, but for the 2 articles he wrote for the March 1 and March 8, 1954, issues of Life magazine, he received $10,000. On the income he made during 1953, he states he paid $3,000 tax.

Congressman Thaddeus M. Machrowicz, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter, with enclosures, in connection with the bill:

THE FLETCHER SCHOOL OF LAW AND DIPLOMACY,
Medford 55, Mass., March 25, 1954.

HON. THADDEUS M. MACHROWICZ
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MACHROWICZ: I have noted with much interest that you have introduced a bill, H. R. 8479, for the purpose of granting permanent residence in the United States to Marek S. Korowicz.

Since Professor Korowicz has now been appointed as professor of international law and international organization at the Fletcher School of Law and Diplomacy, I thought you might like to have the attached documents relative to his appointment. These include a letter from Ambassador Joseph C. Grew on the occasion of Professor Korowicz' appointment, my address of welcome to him, and his speeches to the students and to the faculty of the Fletcher School as well as his speech broadcast over Radio Free Europe to his former students in Poland.

Sincerely yours,

ROBERT BURGESS STEWART, *Dean.*

ADDRESS OF WELCOME BY ROBERT B. STEWART, DEAN, THE FLETCHER SCHOOL OF LAW AND DIPLOMACY, TO DR. MAREK S. KOROWICZ, FEBRUARY 16, 1954

Earlier today I had the pleasure of introducing to the students of the Fletcher School of Law and Diplomacy several new members of our faculty. Among these new faculty appointments is one which has special significance not only for the Fletcher School but for the free world: I refer, of course, to the appointment of Dr. Marek S. Korowicz as research professor of international law and international organization.

This occasion is to introduce Dr. Korowicz to his fellow faculty members of the Fletcher School and to welcome him on their behalf.

Dr. Korowicz, you are not a stranger to us. Although you have been among us a very short while, we feel that we have known you well and long. We know you through your professional achievements as a scholar and practitioner of international law and diplomacy. But beyond this, in the society of free scholars throughout the world there are special ties of kinship and comradeship which unite us in the pursuit of truth and in the common labor of free intellectual inquiry. We in this country, and particularly those of us who engage in the work of international affairs, have held in high admiration your courageous step in leaving the Polish delegation to the U. N. in order to seek asylum and freedom in the United States. We know you took this step without knowledge of what your future professional career might be in this country—and without fear or regard for your own personal welfare—but only in the hope of being able to render greater service to your country and to the cause of freedom.

Since that time you have devoted yourself to activities of public service in many directions, including more than half a hundred broadcasts in this country and behind the Iron Curtain. To us you have brought assurances that the spirit of freedom still burns brightly among your fellow countrymen. In turn, through your broadcasts carried behind the Iron Curtain by Radio Free Europe you have given to your students and friends and neighbors in Poland the true news from the West, and a true picture of the United States, and you have let them know that we are their friends, that we have a vital concern and an abiding faith in their future freedom.

Your defection from the Soviet-controlled Polish delegation and your appointment here, I say, hold special significance for the free world: They prove anew that men who engage in the search for truth will throw off the yoke of totalitarianism at the first opportunity and seek refuge in havens of free expression. In your bold decision you have joined with the thousands of European scholars who over the years have found such a haven here in the United States and in the atmosphere of our free universities and colleges. Men who fled from the oppression of Hitler and Mussolini and now the dictators of Moscow have through their contributions in scholarship and scientific research greatly strengthened the free world.

Let me comment on the way of life and work to which we now welcome you.

I need not tell you the aims of the American people or the purposes and policies of the American Government. In a democracy these are matters of public knowledge and public discussion.

Among the fundamentals on which our Nation was founded more than a century and a half ago, and which we maintain steadfastly today, is a belief in individual human worth and dignity, a belief that the state exists for the individual, not the

individual for the state, a belief that democracy cannot flourish—indeed cannot exist—without freedom of speech, freedom of inquiry, freedom of worship according to one's conscience.

In our foreign policy and our relations with the rest of the world our aims have been set forth very simply. In common with other peoples of the free world our objectives are "a world at peace—and a free world strong enough to keep the peace"; "a world with increased personal freedom and respect for human dignity"; a world of "widening opportunities for individual self-realization."

In pursuing these objectives we seek no special privilege, no special advantage over any nation. We claim no special virtue of unselfishness. This is a policy which not only serves the interests of freedom abroad—it recognizes that when freedom is extinguished in any land, this places in jeopardy our own freedom here at home. We believe that on this policy all free nations may stand together.

May I now tell you something of your new academic home. The Fletcher School of Law and Diplomacy, founded as a cooperative venture between Tufts College and Harvard University 20 years ago, set for itself the task of training for leadership in international affairs. The school has now graduated more than 700 men and women who have taken up a wide range of careers in international affairs and who now represent a vital cross section of American foreign policy operations at home and abroad. Nearly every State in the Union has been represented in the student body, as well as some 40 foreign countries. In a very real sense the Fletcher School has become a world diplomatic training center to which come young men from all over the country, and indeed from many parts of the world, studying for and aspiring to diplomatic careers. In recent years—and this is a development new in the history of the Fletcher School and new in the history of the United States—the Fletcher School student group includes also diplomatic officers assigned here by various nations for training in our program. With this diverse group representing many nations and races and many colleges and universities, life in the Fletcher School community is a rare and enriching experience for student and professor alike.

The Fletcher School is not merely an educational institution; it is a way of life. We live as well as study diplomacy. In future years these young men who are now friends and fellow students here at the Fletcher School will meet across the diplomatic table as spokesmen for their nations. When that time comes, we may hope that negotiations will be conducted with friendliness and understanding. Hence in the whole field of international educational exchange, and in the long and difficult road ahead of trying to build a system of international peace and security, I know of no more significant, no more promising and no more worthwhile undertaking than that in which we here are engaged.

If we are to win the diplomatic struggle for a free world, we must somehow find a way to develop a new and higher order of trained leadership and statesmanship in international affairs. We in this country and in other countries of the free world must seek out our most promising young men and give them the finest possible training for leadership in international affairs. With this, however, we must keep in mind that diplomacy requires not merely a high order of ability and training but, even more, those personal qualities of character and integrity and of leadership and of devoted purpose which are of decisive importance and of which the world stands in such great need today. Perhaps, as never before in our history, the world needs dedicated men and women of ability and training.

We know that with your unique background of scholarship and practical experience in international law and diplomacy—and particularly because of your intimate and firsthand knowledge of Soviet Government and diplomacy—your work will greatly enrich the program of the Fletcher School with both learning and wisdom.

And so, on behalf of the faculty of the Fletcher School of Law and Diplomacy—and, indeed, on behalf of the American academic community—I welcome you as a distinguished scholar dedicated to the cause of truth and freedom.

I now have a message which I would like to read from Ambassador Joseph C. Grew, distinguished elder statesman of diplomacy, member of the Fletcher School board of advisers and chairman of the National Committee for a Free Europe.

The full text of Ambassador Grew's message reads as follows:

NATIONAL COMMITTEE FOR A FREE EUROPE, INC.,
New York 19, N. Y., February 2, 1954.

Dean ROBERT BURGESS STEWART,
The Fletcher School of Law and Diplomacy,
Medford 55, Mass.

DEAR DEAN STEWART: As a member of the board of advisers of the Fletcher School it is a very great pleasure and an honor for me to express my gratification at the appointment of Professor Korowicz to a professorship at the Fletcher School of Law and Diplomacy. As you know, I was also privileged to welcome Professor Korowicz in my capacity as chairman of the board of the National Committee for a Free Europe on the day last September when he left his post as a member of the Polish delegation to the United Nations.

The qualification of Professor Korowicz for a professorship in international law and diplomacy is well known. He has been active for more than 30 years in this field, both in its academic and in its practical aspects. However, when Dr. Korowicz took his decision to seek freedom from the strangulation of his professional integrity, he did not know what if any opportunity might await him in the free world. He was determined to join free Poles abroad and to work together with them for the liberation of his homeland and of all the peoples oppressed by Soviet communism, regardless of the personal and professional sacrifices which might be required.

It is a most happy circumstance indeed, therefore, that he is to be able to continue, almost without interruption, his distinguished career as a teacher and scholar. We in the free world can take much pride in contrasting our way of life, which permits such sharp transitions, with the tyranny and unreason which governs on the other side of the Iron Curtain.

As requested in a secret message from the students of Cracow, Professor Korowicz will, in the words of his reply to the students, be able to "spread the truth about the conditions of your life, of science and teaching at the universities in Poland." The students at the Fletcher School will gain much from the enlightening experiences and great fund of knowledge which Professor Korowicz brings with him to his new post, and I offer most sincere congratulations to him and to the Fletcher School.

Sincerely yours,

JOSEPH C. GREW,
Chairman of the Board of Directors.

ADDRESS BY DR. MAREK KOROWICZ TO STUDENTS OF THE FLETCHER SCHOOL OF LAW AND DIPLOMACY UPON THE OCCASION OF HIS APPOINTMENT AS RESEARCH PROFESSOR OF INTERNATIONAL LAW AND INTERNATIONAL ORGANIZATION, FEBRUARY 16, 1954

Dear gentlemen, dear young ladies and young men, I am very happy and very proud to be appointed research professor in your school which is so well known, not only in the United States but also in Europe. I, myself, remember very well the moment of its creation 20 years ago. In Europe we do not have many schools on such a high level in the field of international law and diplomacy with such excellent accommodations—such as working conditions and a library in the same school.

What is most important in our time now is the full liberty of studying and of publishing the issues and the results of scholarly studies in this country. You know very well, my dear friends, that not only in the Soviet Empire itself but also in the 10 other countries subjugated by the Soviet Union, that people live in the deep slavery of body and mind. In Poland, Czechoslovakia, Rumania, Hungary, Bulgaria, Albania, Lithuania, Latvia, Estonia, and in East Germany one cannot even speak about free scholarly studies, especially humanistic studies. All of this field is controlled by the Soviet rulers. There are special instructions and models for writing books and articles in the matter of law, sociology, history, literature, economics, and all political sciences. Even scholarly works written in this manner are always censored and only a small number of these studies are qualified for publication. Authors are forced to attack in every writing the so-called American imperialists and the so-called Western industrial monopolies who, it is said in the Communist propaganda, intend to conquer and dominate the whole world.

American youth doesn't know what it means to have compulsory membership in a political party or in an association with political goals, but Soviet youth, and

the youth of all 10 countries occupied by the Soviet after the last world war, are forced to become a member either of the Communist Party or of a youth association under Communist guidance.

Until last September I was professor of the oldest Polish university and one of the oldest in Europe, the Yagellonian University, in Krakow. With other professors, my fellow colleagues, and with the help of our best and most patriotic students we fought as we could against the ideological domination of communism but we all were forced to teach Marxism and Leninism in our branches of the sciences.

The Polish Government asked me on the first of last September to go with the Polish delegation to the United Nations to New York in order to become their Chairman of the Sixth Legal Committee of the General Assembly because it was Poland's turn to designate the Chairman of this Committee. It is understandable to every honest man that I could not stay in the United Nations in sight of the moral, if not physical, murderers of my Polish nation in this so-called Polish delegation. Therefore, on the second day after my arrival here I escaped from this company of Soviet agents in Poland.

In my opinion it is a holy duty of a Polish professor to stay in Poland at the side of his students to teach them and to live with them and to share with them all the terrible moral and material difficulties in their lives. Poland, as other peoples subjugated by the Soviet Union, is now a field of ideological battle and this battle is conducted also by professors and their students, but as you see I was forced by circumstances to leave my beloved students and fellow colleagues, my friends and my native city—the old and so beautiful Krakow. How can I better repay this loss than by my work and by my actions for freedom and liberty of my country and all the hundred million people in the 10 enslaved countries? Thus I make radio broadcasts, give many speeches and write articles. But until now, I had no contact with the American youth. I could not until now share with them my scholarly knowledge and my political and vital experiences. But now I have this opportunity here at the Fletcher School of Law and Diplomacy. I shall be working here as research professor and prepare a book about the principal problems of international law in connection with the Soviet doctrine of the law of nations in theory and practice.

My English language is very poor now and not quite understandable but I promise you to improve it in the next months so that after the summer vacation I shall be able to talk with you much more easily than now. But from the very beginning of my presence here I declare myself at the disposal of you who are especially interested in the political and legal organization of the countries behind the Iron Curtain dominated by Soviet Russia.

One of the biggest dangers that the Christian and western civilization has ever known in history approaches the Western countries now. It is the Communist ideology in the service of Soviet imperialism. Freedom of western countries and freedom of all human being is now menaced. You, my friends, who are studying international law and international relations and diplomacy have a special duty to make acquaintance of Soviet politics and of all legal and tactical instruments of these politics. I shall be helpful to you in this matter as much as I shall be able.

Enjoy your young years, enjoy your excellent opportunities for study, enjoy the freedom of your wonderful country, the United States—support all peoples who are fighting for freedom and peace in the world, but don't forget that the whole free world and that all enslaved peoples are looking toward your country of which you will be in the future the leaders. The knowledge of law and diplomacy which you will get here will be in your future actions your most useful weapon.

Once more I want to stress how happy I am in this moment surrounded by your professors, and by yourselves, and by all the books of your wonderful library. I know that I shall be happy from one day to another working together with you and sharing your life.

ADDRESS BY PROF. MAREK KOROWICZ AT A LUNCHEON GIVEN TO HIM BY THE FLETCHER SCHOOL OF LAW AND DIPLOMACY AT MEDFORD, MASS., ON FEBRUARY 16, 1954

I am happy that, as professor of the oldest Polish university, the Yagellonian University, I have been appointed a member of the faculty of the Fletcher School of Law and Diplomacy, one of the world's leading graduate institutions for study and training in international law and diplomacy.

In Poland, as in other countries behind the Iron Curtain, the humanities, and among them the science of law, are in the fetters of the Soviet-Marxist doctrine,

a doctrine of class struggle forcibly imposed upon the nations subjugated by the Soviet Union. The principles of Soviet totalitarianism are inhuman and contain no humanistic elements. They deny the existence of man as a spiritual and ethical being, and regard the human being as a mere cog in a monstrous totalitarian machine, a machine which seeks to enslave the world and make Moscow its capital. Ten Central and Eastern European nations, which up to 1939 enjoyed their independent, thousand-year-old status, are moaning and suffering in Soviet servitude. A hundred million people in those subjugated countries are enduring physical and spiritual enslavement. The free expression in word or print of any thought which does not conform to the dictates of Soviet communism, is either impossible, since no article or book can appear without the permission of the censor, or can result in imprisonment and even death, if imprudent words are spoken in public. It is dangerous to express freely a scientific idea, even among a small group of people. Science cannot exist without freedom, as life cannot exist without oxygen. That is why in the United States we witness a magnificent development of all the sciences, while under the dead hand of Soviet totalitarianism, true creativeness, especially in the domain of the humanities, is paralyzed.

I shall continue here my scientific work in the field of international law and international organization. While developing the theoretical problems of international public law, I shall not detach myself from the present reality of international relations. On the contrary, I shall try to demonstrate how the basic principles of the law of nations, namely the right of self-determination, the right to independence, the right to equality, the honoring of international agreements, and so forth, are applied and implemented in the modern world. I shall give special attention to what the Soviets call their doctrine of international law, and I shall compare the Soviet doctrine with its application in practice.

We are living at a time when the international lawyer sees in the most glaring light the tragedy of international law being broken and scorned. In 10 European countries, at least, international law has had to retreat before brutal force. Moreover, with a cynicism never met before in history, the Soviet Union claims to respect the freedom and independence of countries and nations, and their full sovereignty, while in practice it brutally violates all the basic rights of nations and all the rights of man. All this is done by a Moscow-directed Communist tyranny, which has placed in utter subjugation 10 highly cultural, formerly prosperous, nations, possessing an age-old historical tradition.

In the orbit of the Soviet Empire international law is based on force only, not on justice; therefore it is not a just law, and as such is not able to regulate international relations in a manner which can insure peace. On the contrary, by its tyranny it is fomenting a revolt of enslaved nations, and constitutes a dangerous threat to the peaceful coexistence of nations.

It is our task, the task of professors of the law of nations, of international public law, to work for the creation of rules for a just law to govern international relations. It is our task to brand violations of the existing international law, to fight for world peace based on international justice. This is the spirit in which the Western World teaches and educates its youth in the law schools; this is the spirit in which free lawyers-scientists do write and must write.

The fact that I have been appointed professor at one of the leading schools of international law and diplomacy in the United States, which is also affiliated with Tufts College and Harvard University, is an extremely eloquent proof of intellectual solidarity existing between the scientific and academic circles in America and in Poland and the other countries behind the Iron Curtain, where enslaved science seeks shelter in the professor's private office, where the words of the lecturing professor have to give the lie to his true thoughts.

I am convinced that lasting peace is impossible without the freedom of nations. I believe that the day is not far distant when the bells of liberty will be heard in my country—Poland—and in all other countries liberated from the yoke of Soviet communism. It is then only that international law, based upon justice, will regulate the relations between the countries in an atmosphere of lasting peace, will continue developing as an element binding all nations, will really become the recognized law of the international community.

We international lawyers must not only await those happy days, but must also help, in our sphere of activity, in advancing the moment of their arrival, through our studies, our published works, by educating youth, and through our public lectures.

I express my heartfelt thanks to you gentlemen who have invited me to your university and your teaching staff, and to all who have helped in the realization of

that invitation. I wish to assure you that I shall do my very best in my work at this university.

Again, many sincere thanks.

MESSAGE BY PROF. MAREK S. KOROWICZ TO HIS FORMER STUDENTS IN POLAND, BROADCAST THROUGH RADIO FREE EUROPE FROM THE FLETCHER SCHOOL OF LAW AND DIPLOMACY, MEDFORD, MASS., FEBRUARY 16, 1954

My dear students of the University of Kraków and to all those whom I taught international law at the Universities of Katowice, Warsaw, and Lublin, young men and women of Polish universities, ever since I came to the United States you have urged me in your letters that I inform the free world about the physical and, what is worse, the moral and psychological enslavement of the Polish people by the Soviet occupying power and their contemptible agents of Polish origin. You have asked me to spread the truth about the terrible plight of Polish university youth which leads a life of dire poverty, compulsory falsehood, and which has to conceal its real thoughts and sentiments in order to survive to see freedom again. I have promised you to comply with your wish and spread the truth about the tragedy of the countries under the Soviet rule.

Unexpectedly delegated by the regime to fulfill the function of the Chairman of the Legal Committee of the General Assembly of the United Nations, I left the Polish delegation 5 months ago today as I could not, of course, sit beside such representatives of our country as the Soviet agents, Dr. Katz Suchy and Mr. Marian Naszkowski are. I did not want to manifest my solidarity with Poland's oppressors by appearing even on this Legal Committee. This is the reason why I decided to leave my beloved country, my students, friends, and colleagues however painful this separation would be for me.

I have been received by the American people and authorities in a most friendly way and I could immediately start informing the world about the situation in Poland. I delivered about 100 lectures and addresses in halls filled to capacity. I spoke on the air, held press interviews, and talked with prominent people. I wrote five articles for the West European press, circulated in France, Italy, Scandinavia, West Germany, and other countries. Very shortly an article of mine will appear in Life which is published in three languages: English, French, and Italian. I spoke and wrote about the unhappiness of the Polish people in all walks of life, about the grinding poverty, exploitation and enslavement of Polish workers, persecution of peasants, craftsmen, intelligentsia, about the position of youth, especially of academic youth.

At present the United States citizens are taking a great deal of interest in Poland and other Iron Curtain countries. Invitations come in showers to speak about Poland and her neighbors under the Soviet rule. I try to accept all of them.

And now I would like to inform you that some American friends have generously offered me a professorship at one of the most highly specialized international law schools in the United States, the Fletcher School of Law and Diplomacy. During the current session I shall do some research and next session I shall start lecturing. New environment with extensive library resources and new conditions of life will enable me to pursue my scientific work and speak freely, both things having been impossible in Poland after 1946.

Your letters tell me what you think and feel and at the same time they serve as guides in my work.

At my post in direct contact with American professors and students, future diplomats of the most powerful country in the world, new opportunity of serving Poland and international justice opens before me.

I hope you will not forget me and I send you my cordial greeting.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1679) should be enacted.

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Calendar No. 331

84TH CONGRESS, 1st Session } SENATE { REPORT No. 322

MAY 16 1955
LAW LIBRARY

ORLANDO LUCARINI

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1885]

The Committee on the Judiciary, to which was referred the bill (H. R. 1885) for the relief of Orlando Lucarini, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Orlando Lucarini. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 78-year-old native and citizen of Italy who last entered the United States as a visitor on November 20, 1948. He has an adopted son who is a citizen of the United States with whom he resides and who because of the beneficiary's advanced age desires him to remain here where he can care for him.

A letter dated August 10, 1951 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the bill (H. R. 2497) which was a bill pending in the 82d Congress for the relief of the same alien reads as follows:

DEPARTMENT OF JUSTICE,
August 10, 1951

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 2497) for the relief of Orlando Lucarini, an alien.

The bill would provide that Orlando Lucarini shall be considered to have been lawfully admitted into the United States for permanent residence as of the date of its enactment, upon payment of the required visa fee and head tax. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Orlando Lucarini was born in San Concordio, Italy, on November 20, 1876, and is a citizen of Italy. He arrived in the United States on November 20, 1948, in possession of an Italian passport valid to May 24, 1949, and a nonimmigrant visa issued under section 3 (2) of the Immigration Act of 1924, and claimed that he came to visit Gino Gemignani of Palisade, N. J. Following a hearing before a board of special inquiry he was temporarily admitted as a visitor until March 15, 1949, upon filing a departure bond in the amount of $500. An extension of his temporary admission until February 15, 1951, was granted. Since he has overstayed such temporary admission, steps are being taken to effect his enforced departure from the United States.

The alien has stated that from the date of his birth until 1932 he lived and worked in his native town that he then moved to Florence, Italy, and resided there until his departure for the United States that he was employed as a carpenter by the Italian state railroad system from 1906 to 1924, when he retired on a small pension, that he then lived and worked on his own land; and that his farm is now occupied by a tenant. Further he stated that his wife died in Italy in 1930, and that he has an adopted son, Angelo Gemignani, aged 40, whom he adopted in Florence, Italy, in 1946. He claims that his adopted son was born in Torrington, Conn., on September 5, 1910; that the son's natural father died in 1911, and that in 1912 Angelo was brought to Italy by his mother who, because of straitened financial circumstances, consented to permit the alien and his wife to care for the child; that from 1912 until 1931, Angelo lived with and was supported by them; that Angelo returned to the United States in 1931 but only remained 8 months when he was compelled to return to Italy because of poor health; and that he, Angelo, thereafter lived with Mr. Lucarini until he again returned to the United States in 1946. Mr. Lucarini explained that the long delay in adopting Angelo was due to the demands of his mother for an exorbitant sum of money for her consent to such adoption. The alien has stated that it was his original intention to remain in the United States for a limited period but that, due to his poor health, he now desires to remain permanently.

His brother resides in Italy. Angelo Gemignani, the alien's adopted son, is a citizen of the United States and he has confirmed Mr. Lucarini's statements as hereinabove set forth. He has also said that he was 14 years of age before he learned that Mr. Lucarini was not his natural father, and he expressed a willingness to support his foster-father if he is permitted to remain in this country permanently.

The quota of Italy, to which the alien is chargeable, is oversubscribed, and an immigration visa is not readily obtainable. The record, however, fails to present facts which would warrant enactment of special legislation granting him a preference over other persons chargeable to the same quota.

Accordingly, this Department is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Congressman Charles A. Buckley, the author of the instant bill and of the bill (H. R. 6324) which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, submitted to the Committee on the Judiciary of the House of Representatives the following letter in connection with the case:

NEW YORK, N. Y., *June 14, 1954.*

HOUSE JUDICIARY COMMITTEE,
Washington, D. C.

GENTLEMEN: I am writing to solicit your help for the passage of bill H. R. 6324 for the relief of Orlando Lucarini.

Mr. Lucarini is a member of this parish and I have known him for several years. He is 79 years old and has been very happy with his adopted son and family.

It is highly desirable that he be permitted to stay in this country so that he may spend the remaining years of his life happily with his American-born adopted son, Angelo Gemignani.

To return to Italy at this age will be a great hardship because he would find no one there with whom he might live, while he would leave the love and affection of his son's home here in America.

Will you please do all in your power to obtain approval of bill H. R. 6324 before Congress closes.

Thanking you for your kindness, I am,
Gratefully yours,

J. M. PERNICONE,
Auxiliary Bishop of New York.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1885) should be enacted.

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Calendar No. 332

84TH CONGRESS, 1st Session } SENATE { REPORT No. 323

MAY 16 1955
LAW LIBRARY

FAY JEANETTE LEE

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1906]

The Committee on the Judiciary, to which was referred the bill (H. R. 1906) for the relief of Fay Jeanette Lee, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the stepchild of a United States citizen the status of a nonquota immigrant which is the status normally enjoyed by the alien minor child of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native of the British West Indies and a national of Great Britain who is of the Chinese race. Her mother, a lawful permanent resident of the United States, married the sponsor of the bill, a United States citizen, on August 8, 1944, at Mount Vernon, N. Y. In addition to the beneficiary, the sponsor and his wife have an 8-year-old citizen child.

A letter, with attached memorandum, dated July 13, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8261 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 13, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8261) for the relief of Fay Jeannette Lee, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which office has custody of those files.

The bill as written would confer that status of a minor stepchild of a United States citizen upon the beneficiary. The bill apparently is intended to confer the status of a minor natural-born alien child of a United States citizen upon the beneficiary. It is, accordingly, suggested that the committee may wish to consider amending the bill with respect to the provisions of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act. The language suggested for such amendment is as follows:

"That for the purposes of section 101 (a) (27) (A) and section 205 of the Immigration and Nationality Act, the alien, Fay Jeannette Lee, shall be held and considered to be the minor natural-born alien child of Samuel Thorn, a citizen of the United States."

As a quota immigrant the beneficiary would be chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FAY JEANNETTE LEE, BENEFICIARY OF H. R. 8261

Information concerning the beneficiary who resides in the British West Indies was furnished by her stepfather. Mr. Samuel Thorn, who is the sponsor of the bill. Mr. Thorn and his wife, the mother of the beneficiary, reside in Washington, D. C.

Fay Jeannette Lee was born on November 1, 1932, in the British West Indies. She has never been in the United States. Miss Lee is a British national of the Chinese race. Her mother, Maisie Lee Thorn, a lawful permanent resident of the United States, was married to Samuel Thorn, the sponsor, on August 8, 1944, at Mr. Vernon, N. Y. Mr. and Mrs. Thorn have an 8-year-old child who was born in this country.

Mr. Thorn has been employed by the General Baking Co. since June of 1948 with a salary of approximately $3,400 per year. He and his wife own their own home which they bought in 1948 on a 25-year FHA mortgage, the cost of which was $11,100. Mrs. Thorn is employed by the British West Indies labor mission with a salary of $260 per month. The sponsor and his wife have a joint savings account with a present balance of approximately $2,200 on deposit. Their further assets consist of a 1953 automobile valued at approximately $1,500, and their home furnishings valued at $2,300.

Congressman Samuel N. Friedel, the author of the bill, submitted to the House Committee on the Judiciary the following letters in connection with the case:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 20, 1954.

Re H. R. 8261, Lee, Fay Jeanette.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

MY DEAR CHAIRMAN REED: You will recall our previous correspondence relative to my interest in the legislation I introduced on behalf of Miss Lee. She is presently residing at 2 Renfew Road, Halfway Tree, Jamaica, British West Indies. Her mother, now Mrs. Samuel Thorn, has been in the United States for the past 9 years and is most anxious to have her daugher join her in this country.

In the report submitted to your committee by the Immigration and Naturalization Service of the Department of Justice, it was suggested that my bill, H. R. 8261, be amended to read as follows:

"That for the purposes of section 101 (a) (27) (A) and section 205 of the Immigration and Nationality Act, the alien, Fay Jeanette Lee, shall be held and considered to be the minor natural-born alien child of Samuel Thorn, a citizen of the United States."

I am in wholehearted agreement with this suggestion and will greatly appreciate your having it so amended in committee. I have a deep personal interest in this bill as I am most anxious to assist Miss Lee in being reunited with her family. If this legislation is passed over at this session of Congress, it will mean that Miss Lee must remain another year alone in Jamaica.

In view of the hardship of family separation in this case I trust that you will find it possible to schedule a hearing on this bill in the hope that it can be favorably enacted before adjournment.

Thanking you for your prompt and favorable consideration of this legislation, and with warmest regards, I am

Sincerely,

SAMUEL N. FRIEDEL.

DEPARTMENT OF STATE,
Washington, February 5, 1954.

Hon. SAMUEL N. FRIEDEL,
House of Representatives.

MY DEAR MR. FRIEDEL: I refer to your letter of January 25, 1954 (and to the interim telephonic acknowledgment of January 27), concerning the desire of Mrs. Maisie B. Thorn, 411 Burbank Street SE., Washington, D. C., who has been lawfully admitted into the United States for permanent residence, to effect the entry of her daughter, Fay Jeanette Lee, who is stated to be part Chinese, into the United States from Jamaica.

Section 42.15 of the regulations implementing the Immigration and Nationality Act provides that a Chinese person, defined as an alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to China, who is classifiable as a quota immigrant, shall be chargeable, regardless of the place of his birth, to the quota for Chinese persons of 105 annually authorized under section 201 (a) of the Immigration and Nationality Act, unless such person is a child chargeable to the quota of an accompanying parent as provided in section 202 (a) (1) of the act.

Prior to the enactment of the Immigration and Nationality Act of December 24, 1952, Chinese children of aliens lawfully admitted into this country for permanent residence were not entitled to preference status in the issuance of immigrant visas. With the passage of the Immigration and Nationality Act such children who are unmarried and minors, are classifiable as third preference applicants under the Chinese racial quota provided a petition form is approved on their behalf by the Immigration and Naturalization Service of the Department of Justice, as explained in the enclosed information leaflet, VO-General. Therefore, if Mrs. Thorn has not already done so she should communicate with the nearest district office of the Immigration and Naturalization Service in order to execute a visa petition on her daughter's behalf.

Unfortunately, the Chinese quota is so heavily oversubscribed that it is anticipated a recent third preference applicant chargeable thereto will necessarily encounter a considerable delay in the issuance of an immigrant visa. However, it would be to the advantage of the daughter to be registered as a third preference applicant rather than a nonpreference applicant under the Chinese quota.

Assurance is given that the consular officer concerned will take final action on the daughter's case as expeditiously as circumstances permit.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1906) should be enacted.

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Calendar No. 333

84TH CONGRESS, 1st Session } SENATE { REPORT No. 324

MAY 16 1955
LAW LIBRARY

NAMIKO NITOH AND HER CHILD, GEORGE F. X. NITOH

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1957]

The Committee on the Judiciary, to which was referred the bill (H. R. 1957) for the relief of Namiko Nitoh and her child, George F. X. Nitoh, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance of a United States citizen and her child to enter the United States for the purpose of marrying the citizen fiance and to thereafter reside in the United States.

STATEMENT OF FACTS

The beneficiaries of the bill are a 24-year-old native and citizen of Japan and her 4-year-old son. She is the fiance of Edward S. Phelan, a United States citizen and an honorably discharged veteran of the United States Army who was stationed in Japan from February 1948 to April 1950. He is the father of the alien minor child and desires that his fiance and their child be permitted to enter the United States so that they can be married.

A letter dated April 13, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Assistant Secretary of State, Thruston B. Morton, with reference to H. R. 7243 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same aliens, reads as follows:

DEPARTMENT OF STATE,
Washington, April 13, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of February 19, 1954, and its enclosures, wherein you requested a report of the facts in the case of Namiko Nitoh and her child, George F. X. Nitoh, beneficiaries of H. R. 7243, 83d Congress, 2d session.

As a result of an interview with Miss Nitoh on March 11, 1954, the responsible American consular officer at Tokyo, Japan, has informed the Department as follows:

"Namiko Nitoh stated she had 'married' Edward S. Phelan without ceremony on May 30, 1949, by whom she had a child, George, who is presently 3 years of age. Miss Nitoh stated further that Mr. Phelan to her knowledge had never tried to obtain military permission to marry her, that he departed for the United States about April 18, 1950, that she became ill with a heart ailment after his departure and was hospitalized, and that he presently sends her on the average of $35 monthly.

"Miss Nitoh said further that while in the hospital a clergyman, the Reverend Hildebrand Yaiser, visited her and brought her letters from Mr. Phelan.

"The Embassy subsequently invited Father Yaiser to call. He did so on March 12, 1954, and confirmed the fact that he had traced Miss Nitoh to the hospital. He said her illness was more in the nature of nervous depression because of her separation from Mr. Phelan and her unhappy situation at her home where she was subject to the unkindnesses of her foster father. Father Yaiser stated he had been asked to endeavor to find and assist Miss Nitoh by Mr. Phelan's pastor, the Reverend Raymond T. Considine, of 368 North Main Street, Fall River, Mass., and presented letters in confirmation of this.

"In order to determine whether or not Miss Nitoh would meet public health requirements, she was asked to obtain a medical report. This she has done and it is satisfactory. Evidence has also been submitted that she has no police or criminal record. Further, available local investigative sources have revealed no derogatory information concerning Miss Nitoh."

The Department has no further information available at this time from which it could be ascertained whether Miss Nitoh would be otherwise eligible to receive a visa.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Acting Secretary of State).

In addition, a letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization in connection with the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7243) for the relief of Namiko Nitoh and her child, George F. X. Nitoh, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Providence, R. I., office of this Service, which has custody of the files.

The bill provides that the aliens shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months if administrative authorities find that the adult alien is coming to the United States with a bona fide intention of being married to her fiance, Edward S. Phelan, a citizen of the United States, and if she is found otherwise admissible under immigration laws. The bill further provides that in the event that the marriage between the above-named persons shall occur within 3 months after the entry of the aliens, the Attorney General is authorized and directed to record the lawful admission for permanent resi-

dence of the aliens as of the date of the payment by them of the required visa fees. The bill further provides that in the event the marriage between the above-named persons does not occur within 3 months after the entry of the aliens, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING NAMIKO NITOH AND HER CHILD, GEORGE F. X. NITOH, BENEFICIARIES OF H. R. 7243

Both beneficiaries are residing abroad. Information concerning the case was obtained from Mr. Edward S. Phelan, the fiance of the adult beneficiary and father of the minor beneficiary. He resides at 362 Ames Street, Fall River, Mass.

Namiko, a native and citizen of Japan was born on February 3, 1931. George F. X. Nitoh was born in Tokyo, Japan, on September 4, 1950. The aliens, according to the latest information Mr. Phelan had, are residing in Tokyo, Japan, with the mother of the adult alien. Neither alien has ever been to the United States and they have never applied for quota immigrant visas because of the waiting period entailed.

Mr. Phelan was born in Fall River, Mass., on June 30, 1929, and has always resided in that city. He served in the United States Army between the dates of May 15, 1947, and May 19, 1950, the date of his honorable discharge as a corporal. He was stationed in Japan in the Tokyo area from February 1948 to April 1950. He met the adult alien in February 1949 and he has testified that he is the father of the minor alien. He has testified that it is his intention to marry the adult alien as soon as the law permits after her arrival in the United States and that he will provide a proper home for her and the child. He also testified that neither he nor the adult alien have ever been married.

Mr. Phelan is at present employed as an apprentice stereotyper with the Fall River Herald News. He earns $40 a week plus Government allowance of $90 a month. He expects to make $90 a week as a journeyman. He has no other assets. His employment record indicates that he claims his mother as a dependent for income-tax purposes.

Congressman Joseph W. Martin, Jr., the author of the bill, submitted to the House Committee on the Judiciary the following information in support of the bill:

FALL RIVER, MASS., *June 30, 1954.*

To Whom It May Concern:

I, Edward S. Phelan, 362 Ames Street, Fall River, Mass., a citizen of the United States, born June 30, 1929, enlisted in the United States Army on May 15, 1947. My tour of duty was 3 years and a few days ending with an honorable discharge on May 19, 1950. I had basic training at Fort Dix, N. J., and a course in map reproduction and photolithography at the Engineer School at Fort Belvoir, Va. After a furlough I embarked from Camp Stoneman, Calif., for Yokohama, Japan, about January of 1948. In Japan I was sent to the 64th Engineer Topography Battalion, 95th Engineers Base Reproduction Company, APO 500, in Shinjuku, Japan. In this area I remained for approximately 2 years.

While stationed in the above area during the month of February 1949 I met Namiko Nitoh of 332–5 Chome, Koto ku, Oshima Matchi, Tokyo, Japan. From then on until leaving Japan I saw her constantly on off-duty hours. We were both free to see each other nearly every day because she lived close to my area of assignment. During this period our intimate relations progressed and at the time of my sailing back to the United States to be discharged I knew Namiko Nitoh was approximately 4 months along with a baby. After my arrival home in Fall River, Mass., I was informed that this baby was born September 4, 1950. At no time was a marriage ceremony of any form attempted because I felt obligated to observe the Army regulations which forbade a GI to marry a Japanese citizen. Since returning to the States I have attempted to obtain a job with a foreign firm in Japan. After many trips to employment offices and also asking Congressman Martin for help in obtaining a job I was not successful. I tried to reenlist with the understanding that I would be stationed in Japan. This was not possible. I have corresponded regularly with Namiko and have through a local Catholic priest established a contact through the Benedictine Fathers in

Tokyo. A Father Hildebrand has called on Namiko and has baptised my son and Namiko. She has been and is continuing to be instructed in the Catholic religion in preparation for what I hope to be a religious marriage ceremony as soon as possible. I am at present working at the Fall River Herald News as an apprentice toward a journeyman's job in the line of stereotype. I am in a position to support Namiko and my son as I have a steady job and a home to live in. It is my desire that she be permitted entrance to the United States with our son in order that we may be married and live as a family in the future. I love this girl very much and I long to be with her and my son. I desire to have Namiko and my son come to the United States for permanent residence and am willing and able to provide for them so that they will not become a public charge.

Yours truly,

EDWARD S. PHELAN.

BRISTOL, *ss:*

Sworn and subscribed to before me this 1st day of July 1954.

WILLIAM H. ENTIN, *Notary Public.*

My commission expires October 17, 1958.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1957) should be enacted.

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Calendar No. 334

84TH CONGRESS, 1st Session } SENATE { REPORT No. 325

MAY 16 1955
LAW LIBRARY

ERIKA RAMBAUSKE

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2087]

The Committee on the Judiciary, to which was referred the bill (H. R. 2087) for the relief of Erika Rambauske, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Erika Rambauske. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill also provides for the posting of a bond as a guaranty that the beneficiary will never become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 48-year-old native and citizen of Germany who last entered the United States on October 29, 1948, at New York. She is the sister of a lawfully resident alien of the United States who is a scientist employed by the United States Air Force and she is entirely dependent upon him for support. The beneficiary had an attack of insanity in 1950 and was institutionalized until 1952.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9184 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., August 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9184) for the relief of Erika Rambauske, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee, notwithstanding the provisions of section 212 (a) (3) of the Immigration and Nationality Act under which she would be inadmissible to the United States by reason of having suffered one or more attacks of insanity. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Germany.

Sincerely,

J. W. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERIKA RAMBAUSKE, BENEFICIARY OF PRIVATE BILL H. R. 9184

The beneficiary, Erika Rambauske, was born in Berlin, Germany, on September 25, 1906. She entered the United States on October 29, 1948, at the port of New York, as a dependent of her brother, Werner R. E. Rambauske, a German scientist who was brought to the United States by the Army under the "paper-clip" program. It has been ascertained that the alien had on December 26, 1950, been committed to the Dayton, Ohio, State Hospital for the Insane and discharged therefrom on June 30, 1952, as improved. Her condition upon admission to the hospital was diagnosed as schizophrenia, paranoid type, and prognosis was listed as poor. On September 30, 1952, an order was entered by the probate court, Montgomery County, Ohio, to the effect that the alien was competent.

The alien has been employed briefly as an elevator operator and as an office clerk since coming to the United States. She is unmarried and is supported presently by her brother, the scientist referred to above, and by her mother with whom she currently resides. She claims to have completed education in Germany similar to our commercial college training and to have been a qualified stenographer and typist there.

Congressman Carl Vinson, the author of the bill, submitted a letter dated August 13, 1954, from the Department of the Air Force in support of the bill, as follows:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, August 13, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to H. R. 9184, 83d Congress, a bill for the relief of Erika Rambauske now before your committee. Although you have not requested a report, the Department of the Air Force is particularly interested in this proposed legislation and respectfully submits this report.

The bill, if enacted, would provide that, for the purpose of the Immigration and Nationality Act, Erika Rambauske shall be held and considered to have been lawfully admitted to the United States for permanent residence. Miss Rambauske, a native of Germany, came to this country in 1947 as the dependent sister of Dr. Werner Rambauske, a "paper-clip" scientist. She has applied to the Immigration Service for permission to remain in this country but has failed to qualify under the Immigration and Nationality Act because of a medical history of mental illness. Unless private relief legislation is enacted, Erika Rambauske will be required to return to Germany.

There is no one in Germany who can care for Miss Rambauske. Consequently, if it is necessary for her to return, Dr. Rambauske will have to return to Germany with her.

Dr. Rambauske has been employed in the Wright Air Development Center since 1947 where he is deeply involved in work directly affecting the national-defense effort. He has exceptional knowledge in the fields of infrared, optics interferometry, and isoelastic phenomena, and has made outstanding contributions (of a classified nature) to the national-defense effort.

It is extremely important to the Air Force that he continue his work in this country. Apart from this, however, upon his return to Germany he would be a marked man. We dare not assume that the Russians would not make the most vigorous efforts to obtain control of his person, in order to obtain not only his services but also his knowledge of classified security information. The Department of the Air Force therefore strongly recommends the enactment of H. R. 9184.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

H. E. TALBOTT.

Dr. John E. Clemens, Chief of the Physics Research Branch, Aeronautical Research Laboratory, at Wright Air Force Base, testified before a subcommittee of the Committee on the Judiciary of the House of Representatives, as follows:

Mr. Chairman: My name is Dr. John E. Clemens. I am Chief of the Physics Research Branch, Aeronautical Research Laboratory, at Wright Air Force Base, Dayton, Ohio. The Department of the Air Force appreciates this opportunity to present its views on this bill for the relief of Erika Rambauske.

Miss Rambauske, a native of Germany, came to this country in 1947 as a dependent of Dr. Werner Rambauske. Dr. Rambauske was an eminent German physicist, who originally entered the United States under the so-called paper-clip program for the admission of scientist personnel. He has been employed in the Wright Air Development Center since 1947, and has applied for United States citizenship.

Miss Erika Rambauske also applied to the Immigration Service for permission to remain in this country, but because of a medical history of mental illness was found to be inadmissible, under section 212 (a) (3) of the Immigration and Nationality Act. Unless this legislation is enacted Miss Rambauske will be required to return to Germany. There is no one in Germany who can care for Miss Rambauske, and if she must leave the United States, Dr. Rambauske will necessarily have to return to Germany with her. He is a dependable employee, and has indicated that he is perfectly willing and able to maintain his sister in the United States.

The interest of the Department of the Air Force in this legislation results from the fact that Dr. Rambauske has been and is now deeply involved in work directly affecting the national defense. He has exceptional knowledge in the fields of infrared, optics, interferometry, and isoelastic phenomena. He has made outstanding contributions, of a classified nature, to the national-defense effort, which have not only resulted in new discoveries but in both monetary and research-time savings. Dr. Rambauske's removal from certain Air Force research projects would be a very serious loss, and would entail a difficult recruitment program to discover a replacement with his unique talents.

Not only is Dr. Rambauske's knowledge of vital importance to the Department of the Air Force and to the Nation as a whole, but, should he return to Germany he would carry from this country knowledge of many highly classified research projects in which he is now engaged. Notwithstanding the fact that Dr. Rambauske is loyal, honest, and trustworthy, a person with such knowledge would be a marked man—and might be forced to disclose such information should he fall into the hands of countries unfriendly to the United States.

In order to retain the most valuable services of Dr. Rambauske, as well as to preclude the possibility of highly classified scientific data becoming compromised by his departure from the United States, the Department of the Air Force strongly recommends the enactment of this legislation.

In an effort to avoid the necessity of classifying this statement, I have not gone into detail with respect to the research projects on which Dr. Rambauske

is engaged. Should the committee desire specific information of that nature, I will endeavor to furnish such classified data in writing.

Thank you, Mr. Chairman.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2087) should be enacted.

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Calendar No. 335

84TH CONGRESS, 1st Session } SENATE { REPORT No. 326

GIUSEPPE CAROLLO

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2261]

The Committee on the Judiciary, to which was referred the bill (H. R. 2261) for the relief of Giuseppe Carollo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the commission of crimes involving moral turpitude in behalf of the husband of a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 49-year-old native and citizen of Italy who has never been in the United States. He is the husband of a United States citizen. Mr. and Mrs. Carollo have 5 children, 3 of whom are citizens of the United States. The beneficiary was convicted twice, at the age of 19, for theft of grass and for theft from an orchard. Without the waiver provided for in the bill, he will be unable to join his citizen wife and children in the United States.

A letter dated February 5, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office of the Department of State with reference to H. R. 6962 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF STATE,
Washington, February 5, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of January 18, 1954, and its enclosures, wherein you requested the views of this Department concerning the enactment of H. R. 6962, a bill for the relief of Giuseppe Carollo. Reference is also made to the Department's interim reply of January 21, 1954.

According to information contained in the Department's files, Giuseppe Carollo born at Terrasini, Palermo, Italy, January 6, 1906, who appears to be identifiable with the beneficiary of the proposed bill, was convicted of theft by the Tribunale of Palermo on May 11, 1925, for mowing grass on the property of other, and for stealing oranges and tangerines valued at 15 lire was convicted of qualified theft by the same Tribunale on March 1, 1926.

As you know, theft, also known as stealing, has been held to constitute a crime involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act. As a consequence thereof, the American consular officer to whom Mr. Carollo should apply for a visa would have no choice other than to refuse to issue a visa in Mr. Carollo's case.

In the circumstances, and in view of the foregoing information, the question of the enactment of the proposed bill appears to be a matter for legislative determination, concerning which the Department does not wish to express any opinion.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

A letter, with attached memorandum, dated July 21, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 6962, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 21, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6962) for the relief of Giuseppe Carollo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Gloucester, Mass., office of this Service which has custody of those files.

The bill would provide that the beneficiary may be admitted to the United States for permanent residence notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, if he is found to be otherwise admissible under the provisions of that act. It further provides that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of enactment.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GIUSEPPE CAROLLO, BENEFICIARY OF H. R. 6962

Information concerning the beneficiary of the bill who has never been in the United States was furnished by his sponsor wife, Grazia Carollo nee Zerilli, who is a native born United States citizen residing at 48 Fort Square, Gloucester, Mass.

Giuseppe Carollo is a native and citizen of Italy, who was born on June 1, 1906. He is presently residing at Via Morello No. 7, Terrasini, Italy. The alien is self-employed as a farmer and his income derived from this source is barely sufficient to support himself. He was married to his sponsor wife on December 10, 1934, in Italy, and neither were previously married. The sponsor informs that he is believed to have completed the third grade of school in Italy and to have always resided in that country.

There is contained in the Service file certified copies of extracts of penal sentences from the Penal Tribunal of Palermo, Italy, and English translations thereof which show: (1) That on May 11, 1925, the beneficiary was convicted of simple theft of grass taken on April 14, 1925, when 19 years old; that in view of extenuating circumstances and in view of the age of the minor defendant he was condemned to 3 months, 10 days imprisonment and ordered to pay damage and court expenses and under article 423 of the Civil Code, the sentence was suspended completely as provided by law; (2) that on March 1, 1926, the beneficiary and Alessandro Catalifio, both 19 years of age, were convicted of theft from an orchard in Zevere di Terrasini on December 6, 1925, amounting to 15 lire damages; that in view of the negligible damage the beneficiary received 10 months sentence and both were required to pay damages and court expenses. The alien has been accorded nonquota status but has been denied an immigration visa at the United States consulate in Palermo, Italy, because of the above convictions.

The sponsor was born at Detroit, Mich., on December 19, 1916, and was taken to Italy when 5 years of age, and resided in that country until entering this country as a United States citizen on April 30, 1949, at New York. She was married to the beneficiary in Italy on December 25, 1934, and there were 5 children born of the marriage, 3 of whom are United States citizens and 2 are lawful permanent residents of the United States. The children reside with their mother in Gloucester, Mass., and their present ages are 18, 16, 14, 11, and 8 years. The oldest child, a son, is employed on occasions as a fisherman and during the year 1953 earned $400. The sponsor is employed by the Progressive Fish Co., Gloucester, Mass., when she can obtain work there and earns about $600 a year as a fish packer. For the year 1950, she stated that it was necessary for her and her children to receive welfare assistance for approximately 3 months. The sponsor has no assets other than her own and her son's earnings.

Congressman William H. Bates, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the favorable consideration of his bill.

He also submitted the following letter, with enclosure, in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 19, 1955

Chairman EMANUEL CELLER,
House Committee on the Judiciary,
Old House Office Building, Washington, D. C.

MY DEAR CHAIRMAN: I am vitally interested in the attached copy of a bill, H. R. 2261, and which I filed recently in the House of Representatives for the relief of Giuseppe Carollo, and feel confident it will be given you most sympathetic consideration.

I am attaching herewith, a statement on the case and showing the hardship imposed on his American wife and five children as a result of a technicality in the law on the issuance of visas by consulates abroad. Specifically, Mr. Carollo cannot join his family in Gloucester, Mass., because some 30 years ago he committed the simple thefts of "Mowing grass on the property of another" and stealing oranges and tangerines valued at 15 lire. He was 19 years of age then.

I am sure you will agree this man's place is with his family, and I have no hesitancy in urging early action.

With kind personal regards, I am
Sincerely yours,

WILLIAM H. BATES.

CASE OF GIUSEPPE CAROLLO OF PALERMO, ITALY

1. He is the husband of Mrs. Grazia Carollo of Gloucester, Mass. She is an American citizen. She was born at Detroit, Mich., on December 19, 1916, and was taken to Italy when 5 years of age and resided in that country until entering this country as a United States citizen on April 30, 1949, at New York.

She was married to Mr. Carollo in Italy on December 25, 1934, and there were 5 children born of the marriage, 3 of whom are United States citizens and 2 are lawful permanent residents of the United States. The children range in age from 9 to 20 years.

Mrs. Carollo works for the Progressive Fish Co. in Gloucester while her oldest son is employed part time as a fisherman. During 1950, it was necessary for her to receive welfare assistance for 3 months.

VISA APPLICATION DENIED

2. Mr. Carollo applied at the consulate in Palermo in 1950 for a visa but this was denied under section 3 of the Immigration Act of February 5, 1917, pertaining to aliens who have been convicted of crime involving moral turpitude.

3. The files of the consulate general reveal that he was convicted of simple theft of grass taken on April 14, 1925, when 19 years of age. His sentence was suspended. On March 1, 1926, with another companion, while he was still 19 years of age, he was convicted of theft from an orchard, amounting to 15 lire damages. The 2 were given 10 months' sentences. The fruits taken were oranges and tangerines.

HISTORY OF LEGISLATION

4. H. R. 6962 for the relief of Mr. Carollo was filed during the 83d Congress. A subcommittee of the House Committee on the Judiciary recommended that administrative procedure be followed. This was attempted without success.

5. In 1954, the Congress approved a change in the law which provides relief for certain aliens who have been refused visas because of a previous offense.

The case was again taken up with the Visa Division which ruled that because Mr. Carollo had two offenses charged to him, he did not come under the provisions of the new law.

NEW BILL

6. H. R. 2261 filed by Mr. Bates January 13, 1955, in the hope that Congress will make it possible for this man to join his family despite simple thefts committed 30 years ago.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2261) should be enacted.

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VISA APPLICATION DENIED

2. Mr. Carollo applied at the consulate in Palermo in 1950 for a visa but this was denied under section 3 of the Immigration Act of February 5, 1917, pertaining to aliens who have been convicted of crime involving moral turpitude.

3. The files of the consulate general reveal that he was convicted of simple theft of grass taken on April 14, 1925, when 19 years of age. His sentence was suspended. On March 1, 1926, with another companion, while he was still 19 years of age, he was convicted of theft from an orchard, amounting to 15 lire damages. The 2 were given 10 months' sentences. The fruits taken were oranges and tangerines.

HISTORY OF LEGISLATION

4. H. R. 6962 for the relief of Mr. Carollo was filed during the 83d Congress. A subcommittee of the House Committee on the Judiciary recommended that administrative procedure be followed. This was attempted without success.

5. In 1954, the Congress approved a change in the law which provides relief for certain aliens who have been refused visas because of a previous offense.

The case was again taken up with the Visa Division which ruled that because Mr. Carollo had two offenses charged to him, he did not come under the provisions of the new law.

NEW BILL

6. H. R. 2261 filed by Mr. Bates January 13, 1955, in the hope that Congress will make it possible for this man to join his family despite simple thefts committed 30 years ago.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2261) should be enacted.

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Calendar No. 336

84TH CONGRESS, 1st Session } SENATE { REPORT No. 327

MAY 16 1955
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VIDA KOSNIK

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2276]

The Committee on the Judiciary, to which was referred the bill (H. R. 2276) for the relief of Vida Kosnik, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the admission into the United States as a nonquota immigrant the 22-year-old alien child of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native and citizen of Yugoslavia. Her father, Martin Kosnik, was legally admitted to the United States for permanent residence on August 9, 1949, and became a citizen of the United States November 11, 1954. The beneficiary's mother, brother, and sister have received nonquota immigrant visas.

A letter, with attached memorandum, dated July 8, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8106 which was a bill pending in the 83d Congress for the relief of the same person, reads as follows:

JULY 8, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of justice for a report relative to the bill (H. R. 8106) for the relief of Vida Kosnik,

there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service which has custody of these files.

The bill would provide that for the purposes of section 203 (a) (3) of the Immigration and Nationality Act, which provides for a preference in the issuance of immigrant visas to children of aliens lawfully admitted to the United States, Vida Kosnik should be held and considered to be the minor child of Martin Kosnik, a lawful resident of the United States.

As a quota immigrant the beneficiary would be chargeable to the quota of Yugoslavia.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VIDA KOSNIK, BENEFICIARY OF H. R. 8106

The information concerning this case was obtained from Martin Kosnik, father of the beneficiary.

Vida Kosnik, a native and citizen of Yugoslavia, was born on June 7, 1932. She has never been in the United States and at present resides at Part No. 6, Cerknica, Slovenija, Yugoslavia, with her mother, sister, and two brothers.

Mr. Kosnik testified that he has petitioned for his wife and three minor children on form I–133A for the issuance of immigration visas for them. The beneficiary, however, is over 21 years of age and not eligible to be included on the above form. Mr. Kosnik further testified that the beneficiary is in her second year in college and if admitted to the United States would continue her studies here.

The beneficiary's father and sponsor, Martin Kosnik, was born in Yugoslavia on November 14, 1906. He testified that he was legally admitted to the United States for permanent residence on August 9, 1949. He earns an annual salary of $3,000 as an organist for the St. Vitus Church, Cleveland, Ohio, and he has about $4,500 in savings.

The committee may wish to communicate with the Bureau of Security and Consular Affairs for further information concerning the beneficiary.

Since the above letter was written, the beneficiary's father has become a citizen of the United States. Therefore, the bill has been drafted to provide for the beneficiary's admission as a nonquota immigrant instead of preserving her preference under the quota.

A letter dated March 17, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Director, Visa Office, Department of State, with reference to H. R. 8106, reads as follows:

DEPARTMENT OF STATE,
Washington, March 17, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of March 9, 1954, and its enclosures, wherein you request a report of the facts in the case of Miss Vida Kosnik, beneficiary of H. R. 8106, 83d Congress, 2d session.

According to a communication from the American Embassy, at Belgrade, Miss Kosnik, who is now more than 21 years old, is registered under the Yugoslav quota with priority as of January 10, 1953. In view of the very heavily oversubscribed condition of the quota, a protracted delay of indefinite duration is to be anticipated before a nonpreference number will become available to cover the issuance of an immigrant visa to her. Furthermore, third preference numbers from the quota are not presently available for persons having the comparatively recent registration date of January 10, 1953.

At this time the Department has no information from which it can be ascertained whether Miss Kosnik would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Michael A. Feighan, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill as follows:

RE VIDA KOSNIK

This young woman, her mother, younger brother, and sister, were registered as intending immigrants on the Yugoslav quota as of January 10, 1953. Mother is Mrs. Amalija Kosnik; sister, Magda; and brother, Franc. Father is in this country, Cleveland. He is organist at St. Vitus Church in Cleveland. He petitioned for third preference quota for his wife and three minor children and his petition was approved. However, before his family's registration was reached, Vida Kosnik attained her majority. She was 21 years of age on June 7, 1953.

Martin Kosnik, this subject's father, became a United States citizen November 11, 1954, and immediately petitioned for non-quota-visa status to his wife and minor children. His petition was approved and Mrs. Kosnik and the two children, Magda and Franc, have received nonquota immigrant visas, issued February 15, 1955. They are scheduled to sail from Genoa, Italy, March 15, 1955, thus Vida Kosnik will be left alone in Yugoslavia, the only remaining member of her family.

Martin Kosnik lives at 1167 East 61st Street, Cleveland. I introduced a private bill for the relief of Vida Kosnik on February 25, 1954, and reports were obtained thereon. I reintroduced the bill January 13, 1955 (H. R. 2276), after Vida's father became a United States citizen. Vida was born June 7, 1932, in Yugoslavia. She has been attending college. I believe she is in her third year of college. Her father has savings of about $4,500 and earns $3,000 as organist at St. Vitus Church in Cleveland.

I urge that this bill, H. R. 2276, be reported favorably so that this young lady may be reunited with her parents, younger sister and brother.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2276) should be enacted.

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Calendar No. 337

84TH CONGRESS, 1st Session } SENATE { REPORT No. 328

MAY 16 1955
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SISTER MARY BERARDA

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2279]

The Committee on the Judiciary, to which was referred the bill (H. R. 2279) for the relief of Sister Mary Berarda having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Sister Mary Berarda. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 38-year-old native of Lithuania who last entered the United States on December 21, 1951, as a visitor. Sister Mary Berarda is a Roman Catholic nun at the Academy of the Assumption, Ravenhill, Philadelphia, Pa. Her family in Europe has disappeared. Her father was killed and her mother and sisters were carried off to Russia.

A letter, with attached memorandum, dated October 21, 1953 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 5964 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., October 21, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5964) for the relief of Sister Mary Berarda, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that a number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Lithuania which is oversubscribed for nonpreference applicants.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SISTER MARY BERARDA, BENEFICIARY OF H. R. 5964

The alien, Sister Mary Berarda, formerly known as Kasimiera Gedmantaite, who is single, was born at Telsiai, Lithuania, on August 28, 1916. She last entered the United States at the port of New York on December 21, 1947, and was admitted as a visitor to April 21, 1948. She received extensions of her time to July 5, 1949. The beneficiary is a nun at the Academy of the Assumption, Ravenhill, Philadelphia, Pa. She entered the religious order in 1935 at the Assumption Convent, Val Notre Dam, Leige, Belgium, and remained there from that time until her entry into the United States. She has no close relatives living in the United States.

Congressman William T. Granahan, the author of the bill, submitted to the House Committee on the Judiciary the following information in connection with the case:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., August 6, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Favorable consideration and report by your committee on my bill, H. R. 5964, for relief of Sister Mary Berarda, is earnestly requested and will be appreciated.

This case is one of real merit. She is a teacher and housekeeper at the Academy of the Assumption, 3480 West Schoolhouse Lane, Germantown, Philadelphia, Pa., where she has been in charge of all housekeeping for the school since December 1947, and has been in charge of all food provision, both for the Sisters and the children; and also for the poultry yard and vegetable garden, and through her economy and good management has contributed largely to the welfare and good standing of the school. The urgent need for Sister Berarda's services at the school has been verified by the mother superior of the Academy of the Assumption, Rev. Mother Frances Margaret, R. A.; and Msgr. Philip Donahue, the vicar for religious for the Philadelphia diocese, from whom I have received letters, as attached.

The personal details of Sister Berarda's case involve great hardship also; her family abroad having disappeared, her father killed, her mother and sisters carried off to Russia, and her only relatives being some distant cousins living in the United States.

This information is supplemental to my report of June 29 concerning this matter.

I am convinced that this case warrants favorable action and I am keenly anxious to obtain enactment of my bill prior to adjournment.

Sincerely yours,

WILLIAM T. GRANAHAN.

The letter from the mother superior, Academy of the Assumption, referred to in the above-quoted letter, reads as follows:

ACADEMY OF THE ASSUMPTION,
"RAVENHILL,"
Germantown, Philadelphia, Pa., June 25, 1953.

Hon. WILLIAM T. GRANAHAN,
1421 New House Office Building,
Washington, D. C.

DEAR MR. GRANAHAN: Msgr. Philip Donahue, the Vicar for Religious, has suggested that I write you in regard to one of our Sisters, who is threatened with deportation due to difficulties with immigration papers.

Sister Mary Berarda—in the world Kasimiera Gemantaite—came here from Belgium, where she entered our congregation. She is a Lithuanian, and her passport was issued by the Republic of Lithuania, Lithuanian Legation in London, on October 8, 1947. The date of the United States visa was December 2, 1947, and it expired on December 2, 1948. The last extension granted her expired on June 30, 1950.

Sister M. Berarda has been with us since December 1947, and has been most useful to us as housekeeper. She has been in charge of all food provisions, both for the Sisters and the children, is also in charge of the poultry yard and the vegetable garden, and through her economy and good management has contributed largely to the good standing of the school.

May I also add that Sister's family has disappeared, her father having been killed, her mother and sisters carried off to Russia, and her only relatives are some cousins who are now living in this country.

I have been told that the only way to avoid deportation is to introduce a bill, which will stay any action from immigration authorities. This I earnestly request of you, and assure you of our most grateful prayers.

Very sincerely and respectfully,

Rev. Mother FRANCES MARGARET, R. A., *Superior.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2279) should be enacted.

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Calendar No. 338

84TH CONGRESS, 1st Session } SENATE { REPORT No. 329

MRS. MARJORIE FLIGOR (NEE SPROUL)

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2289]

The Committee on the Judiciary, to which was referred the bill (H. R. 2289) for the relief of Mrs. Marjorie Fligor (nee Sproul) having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of England who married Yeoman Donald Eugene Fligor, a citizen of the United States, in London on March 21, 1953. They have a 1-year-old son and they presently reside in London. The beneficiary has been found to be ineligible to receive a visa because she was convicted in England in 1948 and 1949 of minor thefts, crimes involving moral turpitude. Without the waiver provided for in the bill the beneficiary will not be able to accompany her citizen husband to the United States.

A letter dated February 17, 1954 to the then chairman of the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office of the Department of State with reference to H. R. 7572, which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF STATE,
Washington, February 17, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Further reference is made to your letter of February 3, 1954, transmitting for the Department's comments copies of H. R. 7572, for the relief of Mrs. Marjorie Fligor (nee Sproul).

According to a report from the American Embassy at London, Mrs. Fligor was convicted on April 8, 1948, by the Kingston-Upton-Hull Magistrates Court of theft, in violation of section 2, Larceny Act, 1916. Section 212 (a) (9) of the Immigration and Nationality Act renders ineligible to receive visas and excludable from the United States aliens who have been convicted of, or admit having committed, a crime involving moral turpitude. Since theft has been held to involve moral turpitude within the meaning of the provision of law cited, the responsible consular officer had no alternative but to withhold the issuance of a visa to Mrs. Fligor.

In the light of the information presently available to the Department, the alien appears to be eligible to receive an immigrant visa except for the grounds of ineligibility stated above. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Fligor from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

A letter, with attached memorandum, dated July 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 7572, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7572) for the relief of Marjorie Fligor, nee Sproul, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files. According to the records of this Service the correct name of the beneficiary is Marjorie A. Fligor.

The bill provides that, notwithstanding the provisions of the Immigration and Nationality Act, which exclude from admission into the United States an alien who has been convicted of a crime involving moral turpitude, or an alien who admits having committed such a crime, the beneficiary may be admitted to the United States for permanent residence if she is found to be otherwise admissable under the provisions of that act. It further provides that the exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARJORIE FLIGOR, BENEFICIARY OF H. R. 7572

Information concerning the beneficiary was obtained from Donald Eugene Fligor, husband of the beneficiary. Mr. Fligor is a yeoman, first class, United States Navy, now stationed at London, England.

Marjorie A. Fligor, nee Sproul, a native and citizen of England, was born at Grimsby, Lincolnshire, England on February 1, 1928. On March 21, 1953, she was married at London, England, to Donald Eugene Fligor, a United States citizen. She resides with her husband at London, England.

It is indicated that the beneficiary was refused a visa by the American consul at London, England, on July 3, 1953, by reason of her inadmissibility as one who was convicted of a crime involving moral turpitude. Since both the beneficiary and her husband now reside in England, the committee may desire to consult with the Bureau of Security and Consular Affairs, Department of State, regarding this matter.

Donald Eugene Fligor was born on January 23, 1928, at Portsmouth, Ohio. He has been in the United States Navy continuously since June 30, 1945. As a yeoman, first class, he has an annual income of approximately $2,500. His permanent home address is Box 1528, Chesapeake, Ohio, but his present address is Box 6, CINCNELM, Fleet Post Office, New York, N. Y.

In addition, Congressman Thomas A. Jenkins, the author of the bill, submitted to the House Committee on the Judiciary the following letters and statements in support of the bill:

DEPARTMENT OF STATE,
Washington, March 24, 1954.

Hon. THOMAS A. JENKINS,
House of Representatives.

MY DEAR MR. JENKINS: I refer to my letter of January 18, 1954, and to previous correspondence relative to the immigrant visa application of Mrs. Marjorie Fligor, the wife of Mr. Donald E. Fligor, United States Navy, Box 6, CINCNELM, Fleet Post Office, New York, N. Y.

Further information received by the Department indicates that Mrs. Fligor was convicted on April 8, 1948, by the Kingston-Upon-Hull Magistrates Court of the theft of a fountain pen valued at £2.15.0, in violation of section 2, Larceny Act of 1916. On April 1, 1949, she was convicted by the Lincoln City Magistrates Court of stealing, as a bailee, a lady's costume and a hat valued at £10.2.0. She was sentenced for this offense to an imprisonment of 28 days.

I may add that the foregoing information is also being made available to the House Committee on the Judiciary.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

UNITED STATES NAVAL SUBMARINE BASE,
New London, Conn.

STATEMENT OF DONALD EUGENE FLIGOR, YN1, UNITED STATES NAVY

I was born on January 23, 1928, at Portsmouth, Ohio. I lived in Portsmouth until 1940. In 1940, my family moved to Chesapeake, Ohio, where they now live. My official home record in my naval record is Chesapeake, Ohio.

In June 1945, I enlisted in the United States Naval Reserve and was placed on active duty. I was discharged from the Naval Reserve in August 1946, at which time I enlisted in the Inactive Reserve.

In March 1948, I enlisted in the Regular Navy for a period of 3 years. Upon expiration of enlistment, I reenlisted for a period of 6 years, which I am still serving.

I met my wife in 1952 in London, England. In 1953, I made a request to Commander, Naval Activity, London, England, for permission to marry. In February 1953, the permission was granted and we were married in March 1953.

Sometime during the middle of 1953, my wife made application for a visa to the United States, which was refused because she had been convicted of theft 5 or 6 years ago.

In April 1954, a child was born to my wife and me. My son is still with my wife in England. I strongly desire to raise my son in America as an American.

I plan to continue my career in the Navy and have no desire to be discharged and not reenlist.

The above is true and correct to the best of my knowledge.

DONALD EUGENE FLIGOR,
Yeoman First Class, United States Navy.

UNITED STATES NAVAL FACILITY,
UNITED STATES NAVY 100, FLEET POST OFFICE,
New York, N. Y., June 21, 1954.

Subject: Fligor, Donald Eugene, YN1, 5830310, United States Navy.
To Whom It May Concern:

1. During the period in which subject-named man served in this command, his conduct was good and his character beyond reproach.
2. Subject man is highly recommended to you that necessary legal action may be taken in his behalf to secure a visa for his wife.

E. M. VOLLBERG,
Lieutenant Commander, United States Naval Reserve,
Executive Officer.

UNITED STATES NAVAL ACTIVITIES,
London, W. 1., February 27, 1953.

From: Commander, Naval Activities, London.
To: Fligor, Donald Eugene, YN1, 5830310, United States Navy.
Subject: Permission to marry.

Reference: (*a*) Your marriage request of January 27, 1953.
(*b*) SecNav Letter 51-854 (NDB December 31, 1951).
(*c*) CinCNELM letter 3080 of August 5, 1952.
(*d*) CinCNELM instruction 1700.1a of November 4, 1952.

1. In reply to reference (*a*), your request has been approved and permission is hereby granted you to marry Marjorie Alice Sproul on or after February 26, 1953, pursuant to references (*b*), (*c*), and (*d*).
2. You are advised that:
(*a*) No additional privileges will be granted as a result of such marriage except where required by law.
(*b*) Transportation of your prospective spouse at Government expense will not be authorized except where specifically permitted pursuant to your execution of permanent change of station orders.
(*c*) It is noted that your fiance is an alien. It is necessary, therefore, to advise you that she will not be granted United States citizenship by virtue of her marriage to you, but will remain subject to applicable immigration and naturalization laws.
3. Two copies of this letter should be returned to the chaplain, United States Naval Facility, London, after the marriage has been performed, appropriately endorsed thereon by the person officiating, with the date and place of marriage.
4. My best wishes to you and your fiance for a very happy marriage.

WINSON FOLK,
Captain, United States Navy.

DEPARTMENT OF STATE,
Washington, January 18, 1954.

Hon. THOMAS A. JENKINS,
House of Representatives.

MY DEAR MR. JENKINS: Reference is made to my letter of October 26, 1953, concerning the immigrant visa application of Mrs. Marjorie Fligor, the wife of Mr. Donald E. Fligor, UNI, United States Navy, Box 6, CINCNELM, Fleet Post Office New York, N. Y.

A report has been received from the American Embassy at London, England, stating that Mrs. Fligor was convicted under the provisions of section 2 of the Larceny Act of 1916, on April 8, 1948, by the Kingston-Upon-Hull Magistrates Court, and on April 1, 1949, by the Lincoln City Magistrate Court, of the crime of theft.

As you know, section 212 (a) (9) of the Immigration and Nationality Act renders ineligible to receive visas persons who have been convicted of or admit having committed a crime involving moral turpitude, such as theft. In view of this fact, the consular officer in charge at London had no alternative but to informally refuse an immigrant visa to Mrs. Fligor under the provisions of 212 (a) (9) of the Immigration and Nationality Act on July 3, 1953.

Sincerely yours,

EDWARD S. MANEY,
Director Visa Office.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2289) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 330

MAY 16 1955
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JOHN P. FARRAR

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2346]

The Committee on the Judiciary, to which was referred the bill (H. R. 2346) for the relief of John P. Farrar, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to cancel the outstanding warrant of deportation in the case of John P. Farrar. The bill also provides that John P. Farrar shall not again be subject to deportation by reason of the same facts upon which deportation proceedings were commenced.

STATEMENT OF FACTS

The beneficiary of the bill is a 55-year-old citizen of Portugal who was admitted to the United States for permanent residence in 1916. On January 8, 1953, an immigration warrant was issued charging that the beneficiary had twice been convicted of violating laws pertaining to marihuana. On August 14, 1953, he was ordered deported on a charge in the warrant covering the alien's conviction of violating section 2593 of title 26, United States Code relating to the taxing, manufacture, etc., of marihuana. The second charge involving the growing of marihuana was held not to be a deportable offense. The warrant of deportation was issued on November 23, 1953. The record shows that on December 26, 1946, the beneficiary pleaded guilty to a charge of the possession of marihuana and he was sentenced to 18 months in the Federal penitentiary. He was also arrested on July 2, 1951, charged with growing marihuana and was convicted and sentenced to

6 months' imprisonment which was served in the county jail. It is stated that the beneficiary is an illiterate man of limited intelligence and that he was without the services of a lawyer to defend him. The beneficiary is self-employed as a gardener, and employers for whom he has worked, as well as officials and citizens of the community in which he resides, state that he is a hard-working, honest man.

A letter, with attached memorandum, dated March 30, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7048, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

MARCH 30, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7048) for the relief of John P. Farrar, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of these files.

The bill would provide that the beneficiary shall be considered as having been lawfully admitted to the United States for permanent residence, as of the date of enactment of the act, upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Portugal.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOHN P. FARRAR, BENEFICIARY OF H. R. 7048

John P. Farrar, who is also known as Joao Ferreria Pio and Jose Maria de Gouvea, is a native and citizen of Portugal who was born on April 1, 1900. He claims he arrived in the United States at New York, N. Y., on December 13, 1916. He has been a resident of East Hampton, N. Y., since 1925. An immigration warrant was issued on January 8, 1953, charging that he had twice been convicted of violating laws pertaining to marihuana. The hearing officer on August 14, 1953, ordered deportation on a charge in the warrant covering the alien's conviction of violating section 2593 of title 26, United States Code, relating to the taxing, manufacturing, etc., of marihuana. The second charge covering the violation of section 1753, Penal Law of New York, growing of marihuana, was held not to be a deportable offense. The warrant of deportation was issued on November 23, 1953.

The beneficiary is single. He is self-employed as a gardener in East Hampton, N. Y., earning about $500 a year. He has no relatives in the United States. He alleges that his father and one brother still reside in Portugal. He has been arrested on two occasions—on October 4, 1946, on a Federal statute mentioned above, in connection with his possession of a quantity of marihuana. He pleaded guilty to this charge on December 26, 1946, and was sentenced to 18 months in the Federal penitentiary. He was released on parole on June 25, 1947.

He was also arrested on July 2, 1951, charged with growing marihuana (sec. 1753, Penal Law). He was convicted of this charge and on December 5, 1951, was sentenced to 6 months imprisonment which was served in the county jail at Riverhead, N. Y.

Congressman Stuyvesant Wainwright, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified as follows in support of the bill:

The purpose of this bill is to permit John Farrar, the beneficiary, to remain in the United States where he has lived continuously since 1916 when, at the age of 15, he was admitted for permanent residence. For the past 27 years he has

resided in my hometown, East Hampton, Long Island, N. Y. He is self-employed as a gardener and owns his own home.

This is clearly a case of an illiterate man of limited intelligence running afoul of the law, but I am confident there was absolutely no intent on the part of subject man knowingly to commit a crime—violating laws pertaining to marihuana; that is, the possession and growing of the weed. Mr. Farrar was without services of counsel as he could not afford to pay a lawyer to defend him. Had he at the time sought advice and help from any one of his employers, the outcome may have been entirely different. Notwithstanding the fact that the record stands of his having pleaded guilty in 1946 to violating a Federal statute, it is evident that Farrar was an unfortunate victim of a conflict in jurisdiction.

At the time marihuana was found growing on his property it was known to be growing openly in areas of the East Hampton Township and other sections of the county—directly in front of the eyes of the officials and the persons resident there. Farrar contends that he knew marihuana was growing on his property and reported the fact to appropriate officials. He stated to me that they laughed at him. Subsequently he was arrested and it was not until after his arrest that the weeds were destroyed by these same officials. It is interesting to note at this juncture that this man was the only property owner whose property was inspected, yet it was growing prolifically in the surrounding area.

I have received numerous letters from persons for whom Mr. Farrar works as a gardener wherein they testify as to his good character. Prior to introducing this measure I personally made inquiries among officials and other citizens of the community, including a law-enforcement officer, and in every case found that he is a hard-working, honest man, living by himself in extremely moderate circumstances. He has produced witnesses and affidavits which trace his conduct from the time of his arrival in East Hampton 27 years ago. These include statements and affidavits from a doctor of psychology, a prominent New York attorney, and two retired New York City high-school teachers.

The people of the community want him to remain. They have so indicated in petitions which I have here. To deport this man would throw him into a strange world—where he would have to make a new life for himself—when it has taken him many, many years to finally own a small piece of property and a home of his own. It is true that he has no one dependent on him; yet, to me it would be cruel to force him to leave the United States.

Upon consideration of all the facts in this case, I sincerely hope that the committee will recommend favorable action.

In addition, Congressman Wainwright submitted the following memorandum in support of his bill:

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

File No. 0300-399325

IN THE MATTER OF THE APPLICATION FOR AN ORDER OF DEPORTATION OF JOHN FARRAR OF OLD TOWN LANE, EAST HAMPTON, LONG ISLAND, N. Y.

MEMORANDUM ON BEHALF OF JOHN FARRAR

John Farrar came to the United States apparently on December 23, 1916, from Santa Cruz, island of Madeira, Portugal, on the steamship *Roma*, and has been in the United States ever since. He first lived at New Bedford, Mass., and then, for the last 27 or more years, in the town of East Hampton, Long Island, in the State of New York.

During all of that period of time, with the exception of the acts referred to in this application for deportation, it is obvious that the alien has been a man of exceptionally good moral character. He has had no schooling either in Portugal or in the United States. It is evident from the testimony and the record that whatever trouble he is in now is the product of his ignorance to which the United States of America substantially contributed, as he was then, at the time he was admitted to the United States, only 15 years of age.

We shall refer more to the evidence of his good moral character later but it is sufficient to say now that this is not a case in which the United States of America is seeking to protect itself from a person who endangers either the United States of America or its citizens.

The law permitting deportation must be strictly construed (*Redfern* v. *Halpert*, 186 Fed. 150).

These statutes are very drastic in character and interfere with the liberty of individuals and have repeatedly been held to be subject to strict construction and the authorization for an order of deportation must be read in the light of this time-honored rule.

The alleged basis of deportation

The Department is proceeding under chapter 5, section 241, subdivision 11, which reads as follows:

"SEC. 241. (a) Any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General, be deported who—

* * * * * * *

"(11) is, or hereafter at any time after entry has been, a narcotic drug addict, or who at any time has been convicted of a violation of any law or regulation relating to the illicit traffic in narcotic drugs, or who has been convicted of a violation of any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation or exportation of opium, coca leaves, heroin, marihuana, any salt derivative or preparation of opium or coca leaves or isonipecaine or any addiction-forming or addiction-sustaining opiate;"

* * * * * * *

There are two convictions involved in this matter. In 1946 the defendant pleaded guilty to the charge of acquiring marihuana and was sentenced to a term of 1 year and 0 months on December 26, 1946, and was released on parole in June 1947. The second was the conviction of knowingly allowing marihuana to grow in violation of section 1753 of the Penal Law of the State of New York.

Bearing in mind the mandate of the law that this statute shall be strictly construed, it is clear that neither of these convictions come within subdivision 11 as quoted above. In the first place, neither of them are a violation of any law or regulation relating to the illicit traffic of narcotic drugs. We will dispose of the second conviction first.

It was definitely established before this tribunal that the violation of section 1753 of the Penal Law, of which the alien was convicted, was simply a violation of a public health statute and of an act which was malum prohibitum and had nothing to do with the illicit traffic in narcotic drugs, nor had it anything to do with the taxing, manufacture, etc., as set forth in the section. Not only is this established by section 1753 of the Penal Law itself and by the record of conviction, but also by the charge to the jury which was offered by us on behalf of the alien. The charge does not deal with the crime of growing marihuana and the judge charged the jury that it was not necessary to prove anything but the fact that he knew it was marihuana and he allowed it to grow.

The judge charged the jury on page 6 of his charge, which is in evidence before this tribunal, as follows:

"In order to obtain a conviction under this indictment, it is incumbent upon the people to establish the following elements of the crime;

"No. 1, that the defendant wasn't licensed under the public health law to grow on his land the narcotic plant known as marihuana;

"No. 2, that the narcotic plant known as marihuana was growing, actually growing, on the defendant's land; and

"No. 3, that the defendant knew that the plant was marihuana and that he knowing permitted the plant to grow on his land without destroying it."

Further, on page 7, he said:

"When we speak of allowing these plants known as marihuana to grow upon the defendant's land, we don't necessarily mean that he had actually to till the soil and to cultivate the plants, because, after all, the theory of the people's case is that he knowingly, 'knowingly,' allowed marihuana to grow, and that can mean he allowed the plants to flourish. They don't have to be tilled, fertilized, or anything else. They can just grow of their own accord. In this case, there is no distinction whatsoever, so long as you are satisfied that he knowingly permitted them to grow there; so long as he knew it was marihuana.

"When we speak of the word 'knowingly,' we mean that the defendant must have knowledge that the facts existed which constitute the act or omission a crime. It doesn't mean that he is required to have knowledge of the unlawfulness

of the act or omission with which he is charged. Therefore, all you have to be satisfied with, among other things, is that he had knowledge that the plants were growing on his land and that those plants were marihuana plants. You don't have to be satisfied beyond a resonable doubt that he knew that the growing of that drug was illegal. All you have to be satisfied of beyond a reasonable doubt is that he knew that the plants were growing on his land and that those plants were marihuana. Whether he had any knowledge of whether he had to be licensed under the public health law is of no consequence in the final analysis."

In other words, insofar as his second conviction was concerned, he was convicted of an act which was malum prohibitum and he stands before this tribunal as if he had driven an automobile through a 30-mile speed zone at 31 miles an hour. It would be equally necessary for the State to prove he knew it was a 30-mile-an-hour speed zone, and that he was going 31 miles an hour. If it is intended that a man could be deported for such violation of law, it must be found spelled out in the statute. The statute is supposed to enable the United States of America to protect itself against aliens who are dangerous within its borders and if ever there was one thing which was proven, it is that John Farrar could live the rest of his days within the United States without doing any harm to the United States of America or any of its citizens. Not only is it a fact that his second conviction is one which is malum prohibitum but the evidence establishes the fact that he did not cultivate the weed and that it was growing at the time he was arrested and charged with the act and convicted, along with a number of other weeds native and indigenous in the town of East Hampton and that marihuana grows prolifically within the town of East Hampton and was growing on the right-of-way of the Long Island Railroad, and was, at that time, growing in front of 1 or 2 stations, Bridgehampton or Southampton, directly in front of the eyes of the officials of those communities and the persons resident there. Furthermore, the act is found in the Penal Law in a section dealing with public health.

The section in question is section 1753 of the Penal Law, which simply reads as follows:

"SEC. 1753. *Growing of narcotic plant known as marihuana by unlicensed persons.*

"A person who, without being licensed so to do under the public health law, grows the narcotic plant known as marihuana or knowingly allows it to grow on his land without destroying the same, shall be guilty of a misdemeanor."

This statute was added by the laws of 1943, chapter 123, and became effective March 18, 1943, and up to the present time there is no citation under the section. It would appear that the only person who has run afoul since its enactment in 1943 was John Farrar, and from his testimony it is apparent that he ran afoul because he did not know any better. His evidence indicated he went to officials to ask them to help him out in removing it but nobody did anything about it but laughed at him.

This section is part of a title of the Penal Law entitled "Article 166—Public Health." It includes such violations of law as:

Sec.
1741. Obstructing health officer in performance of his duty.
1742. Omitting to label drugs, or labeling them wrongly.
1743. Selling poison without labeling, and recording the sale.
1744. Penalty for violation of education law.
1745. Sale and manufacture of bichloride of mercury and compounds thereof.
1747. Careless distribution of medicines, drugs, and chemicals.
1747a. Sale of certain appliances, drugs, or medicinal preparations.
1748. Adulterated drugs.
1749. Adulteration of natural fruit juices.
1750. Disposing of tainted food.
1751. Violations as felonies of public health law with respect to narcotic drugs.
(John Farrar was not accused of this.)
1752. Having narcotics in possession.
(John Farrar was not accused of this.)
1753. Growing of narcotic plant known as marihuana by unlicensed persons.
(John Farrar was not charged with a violation of this section and a reading of the section indicates he could not have been charged.)
1754. Putting noisome or unwholesome substances or maintaining noisome business on or near highway.
1755. Obstructing passage of ambulance.
1756. Exposing person affected with a contagious disease in a public place.

Sec.
1757. Spraying fruit trees with poison.
(It is to be noted in this same connection that this does not prevent the conducting of experiments by the directors of the experimental stations at Ithaca and Geneva, in the application of poison and spraying mixtures to fruit trees while in blossom.)
1758. Contamination of salt walls.
1759. Throwing gas tar or refuse into public waters.
1760. Wilfully poisoning food.
1760a. Penalty for selling poisonous beverages.
1761. Acts of intoxicated physicians.
1762. Misconduct of veterinary surgeons.
1763. Illegal practice of embalming.
1764. Unlawful sale of tuberculous cattle.

To these there have been certain amendments and certain sections added, as for example:

1747b. Sale or possession of bartiburate drugs or preparations.
1747c. Sale and possession of hypodermic syringes and hypodermic needles; possession of certain other instruments.

When we examine the public health law we find that knowingly allowing marihuana to grow is not violating the public health law and the only license required in the public health law is for manufacturers and wholesalers who manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs.

It is obvious from the foregoing that a violation of this statute is not the basis for deportation within section 241–a–11.

The first conviction for acquiring marihuana does not in any way establish the fact that John Farrar was involved in the illicit traffic in narcotic drugs nor violated any law in respect thereto. It is easy to demonstrate that this offense was not involved in the manufacture, production, etc., as set forth in the act, as there is no proof it was and the burden lies with the Department to establish that the conviction is within the meaning of the statute. There has been an attempt to bring him within a provision with respect to taxation. The reference therefore is made to section 3230 of part VI of title 26 of the Internal Revenue Code. This, dealing with marihuana, reads as follows:

"TAX

"(a) *Liability and time for payment of tax.*

"Every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana shall (1) before engaging in any of the above-mentioned activities, and (2) thereafter, on or before July 1 of each year pay the following special taxes respectively:"

* * * * * * *

John Farrar pleaded guilty to "acquiring marihuana." This is not one of the acts which is referred to in section 3230 of the act and therefore whatever he was guilty of, he was not guilty of an act of violation of a taxing statute.

Nor does subdivision C of chapter 23 of title 26 of the Internal Revenue Code bring John Farrar within the provisions of section 241–a–11. That subchapter starts out with section 2590 entitled "Tax. (a) Rate:" which reads as follows:

"There shall be levied, collected, and paid upon all transfers of marihuana which are required by section 2591 to be carried out in pursuance of written order forms taxes at the following rates:".

John Farrar was not convicted of transferring marihuana, so that the section does not apply to him.

Section 2591 provides:

"It shall be unlawful for any person, whether or not required to pay a special tax and register under sections 3230 and 3231, to transfer marihuana, except in pursuance of a written order of the person to whom such marihuana is transferred on a form to be issued in blank for that purpose by the Secretary."

Section 2593 does not apply in this situation. It reads as follows:

"SEC. 2593. *Unlawful possession—(a) Persons in general.*

"It shall be unlawful for any person who is a transferee required to pay the transfer tax imposed by section 2590 (a) to acquire or otherwise obtain any marihuana

without having paid such tax; and proof that any person shall have had in his possession any marihuana and shall have failed, after reasonable notice and demand by the collector, to produce the order form required by section 2591 to be retained by him, shall be presumptive evidence of guilt under this section and of liability for the tax imposed by section 2590 (a)."

These three sections, read together, show that under no circumstances was John Farrar required to pay any tax or failed to pay any tax and therefore the act involved has absolutely nothing to do with the basis of deportation recited in section 241–a–11 of the Immigration and Nationality Act.

From the foregoing arguments it is clear there was no act of which John Farrar has been convicted, or for which he has been imprisoned, which has anything to do with any of the acts referred to as basing the deportation and therefore the application for the order should be denied. Even if the alien would be subject to deportation, his application for suspension of deportation should be granted.

The simple facts are that a man who is ignorant, has been in this country for over 37 years and, excepting insofar as these two incidents are concerned, he has not been charged, let alone convicted, of any violation of law. He has lived in the present community where he now resides for a period of more than 27 years and he has produced witnesses and affidavits which trace his conduct from the time of his arrival in the United States, and definitely from the time of his arrival in East Hampton, down to the present time, and every person—and they are persons of prominence in the community—has testified by affidavit or directly before the hearings officer that he is a man of good moral character and they believe this not only by reason of his reputation but by reason of personal observation. They include, among others, a doctor of psychology, a business adviser, 2 high school teachers who have just retired from their profession, 1 of whom taught in a coeducational school in the upper West Side of Manhattan, and the other taught in an all-boys high school in the Bronx, and both of whom are thoroughly competent of knowing the use of marihuana and its dangers. All of these persons, including the former postmaster of the village of Amagansett in the town of East Hampton, and other prominent businessmen in the community, have testified that John Farrar is a man of good moral character.

It has been suggested that the act prohibits the granting of clemency in this instance, because section 244, subdivision 5, does not protect him and that is the only one which is applicable. It says that the Attorney General may stay such order of deportation provided the person "has been physically present in the United States for a continuous period of not less than ten years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character;".

It is argued that since he has not been in the United States for 10 years subsequent to the conviction of an offense, the Attorney General is without power to exercise clemency. It is incredible that such statute was intended to mean this because it would say that anybody who committed a crime 9 years, 11 months, and 29 days prior to the effective date of the act could not be given clemency. It must be assumed that the act was intended to take care of a situation of this kind and to give to the Attorney General the power to relieve a person from hardship. This individual, John Farrar, came to this country when he was a boy. He has known no other residence and, as one of the witnesses, Miss Evelyn Ennis, pointed out, we have failed in our duty to him because in the 37 years he has been in this country we have made no effort to educate him. We have not provided him with any opportunities for adult education and although he lived as a resident of a wealthy community, no one in the community has done anything to teach him what marihuana is or why he should not allow it to grow on his land. The error, if any, is ours and not his because he never attended a school during any of the period of time he was here and it was obvious before the hearing officer that he was given working papers upon his arrival in the United States, and no one cared whether he knew what marihuana was, so he has now been convicted twice and sent to jail.

Under the circumstances, it is ridiculous to assume that Congress intended to deprive the Attorney General of the power to suspend deportation. The act must be given a reasonable intention and since he cannot be proven a person of good moral character for the 10 years subsequent to the commission of the second act, nor subsequent to the commission of the first act in 1946, it cannot be construed to deprive the Attorney General of this power.

It is argued that the act is retroactive and it confers upon the Department the power and the obligation to deport even though they did not have that power

prior to the McCarran Act. It would seem clear that in order to be retroactive and to deprive the Attorney General of powers he formerly had, it must be specifically stated in the act that he is so deprived.

It has also been suggested that he cannot be found to be a person of good moral character because during the period for which good moral character is required to be established he has been confined to a penal institution for an aggregate period of 180 days or more. Such a provision of law, if construed as it is sought to be construed, would nullify the entire effect of the statute. You are here seeking to deport him because he has been convicted and incarcerated for that period of time. The statute says deportation may be suspended provided he is a person of good moral character. How can it be intended to mean in one breath that the Attorney General has the power to suspend deportation despite such convictions, and in the other say because of those incarcerations he is not a person of good moral character? The two provisions are contradictory and it must be that the proper interpretation of section 101 (f) (7) is that other than the offenses which are claimed to be the basis of deportation, the alien must not have been incarcerated in a penal institution for 180 days or more.

For the foregoing reasons we respectfully request—

(1) That the order of deportation be denied; and

(2) if it be granted, that its execution be suspended.

Respectfully submitted.

O'CONNELL & BUTLER,
Attorneys for John Farrar.

EDMOND B. BUTLER,
Of Counsel.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2346) should be enacted.

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Calendar No. 340

84TH CONGRESS
1st Session

SENATE

REPORT
No. 331

MAY 16 1955
LAW LIBRARY

THEODORA SAMMARTINO

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2348]

The Committee on the Judiciary, to which was referred the bill (H. R. 2348) for the relief of Theodora Sammartino, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor adopted child of United States citizens the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary is a 9-year-old native and citizen of Italy. She was adopted in Italy on March 8, 1952, by Mr. and Mrs. Vincent Sammartino, who are citizens of the United States. The beneficiary is the niece of Mr. Sammartino. The natural parents of the beneficiary released her for adoption because of their poor economic status. The adoptive father owns a barbershop and is well able to support the beneficiary of the bill.

A letter, with attached memorandum, dated June 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7463, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 16, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7463) for the relief of Theodora Sammartino, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota of Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE THEODORA SAMMARTINO, BENEFICIARY OF H. R. 7463

The beneficiary, Theodora Sammartino, is a 9-year-old child, a native and citizen of Italy, born January 18, 1945. She has never been in the United States. She was adopted in an Italian court on March 8, 1952, by Mr. and Mrs. Vincent Sammartino, the parties interested in her case. She is the third youngest child of Salvator Sammartino, Vincent Sammartino's brother, and his wife Giovanna. They are in Italy and agreed to the adoption because of poor economic conditions in that country.

Mr. and Mrs. Vincent Sammartino are United States citizens. Mr. Sammartino was born in Raffadali, Italy, on June 5, 1898, arrived in the United States in 1921, and was naturalized on May 12, 1928, in New York. Mrs. Sammartino was born in Raffadali, Italy, on July 12, 1905, arrived in the United States in 1921, and was naturalized on April 15, 1929, in New York. They were married on October 26, 1924, in Brooklyn, N. Y. They have testified that this is their only marriage and they have never had any children of their own. Mr. Sammartino has further testified to the following effect: He has operated his own barbershop at 488 Main Street, Islip, N. Y., since 1929 and now earns about $70 weekly. He and his wife own their own home in Islip, N. Y., valued at $12,000, free of any encumbrance. They also own the property valued at $9,000 wherein Mr. Sammartino's business is situated. They have a $5,000 savings account and $3,500 in Government bonds. Their assets aggregate $31,000. They contribute about $25 a month to the maintenance and support of their adopted daughter, and regularly send her food and clothing.

In addition, the following letter, dated March 12, 1954, was addressed to the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office, Department of State

DEPARTMENT OF STATE,
Washington, March 12, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Theodora Sammartino, beneficiary of H. R. 7463, 83d Congress, 2d session.

A communication has now been received from the American consulate general at Palermo, which reports that its earliest record pertaining to the aforementioned child is of an inquiry from Hon. Ernest Greenwood, dated March 20, 1952, regarding the adoption proceedings instituted at the Palermo Court of Appeals by Mr. Vincent Sammartino, the child's uncle, and requesting information on her possible immigration. Mr. Greenwood was informed that even as an adopted child of American citizens, Theodora would not be eligible for nonquota or preference status under the Immigration Act of 1924. As the consulate general had no

previous record of her, on April 23, 1952, she was informed of registration procedure as a nonpreference immigrant. Up to February 26, 1954, she had not registered, perhaps due to her inability to obtain authorization for a passport from the Italian Government.

On December 10, 1952, the consulate general received an inquiry from Mr. Henry C. Weismann, attorney at law of Kings Park, N. Y., regarding the outcome of the adoption proceedings, and requesting information on registration and visa procedures. On February 3, 1953, he was informed that the consulate general had no information regarding the adoption case, and repeated the registration and visa information supplied Mr. Greenwood the previous April.

The Court of Appeals of Palermo informed the consultate general that the request for adoption of Theodora by her uncle and aunt, Mr. and Mrs. Sammartino, had been granted by the court on February 18, 1953, and that the petitioner's attorney in Italy, Avv. Salvatore D'Alessandro, had been so informed. However in view of the heavily oversubscribed condition of the Italian quota a protracted delay is to be anticipated before a number from the quota will become available to cover the issuance of an immigrant visa to the child.

At this time, the Department has no information from which it can be ascertained whether Theodora would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State.)

Congressman Stuyvesant Wainwright, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following affidavits in support of the bill:

STATEMENT OF VINCENT SAMMARTINO, ISLIP, LONG ISLAND, N. Y., RE IMMIGRATION OF THEODORA SAMMARTINO (HIS ADOPTED MINOR DAUGHTER), RAFFADALI, AGRIGENTO, SICILY, ITALY

I was born in Raffadali, Agrigento, Sicily, Italy, on June 5, 1898, the son of Amanuele Sammartino, a stonecutter, and Margaret Sammartino (nee Ferro) a housewife. I was 1 of 16 children. My youth was spent with my parents and I worked with my father in his trade. Later, I learned the barber's trade and in 1921, immigrated to the United States to improve my opportunity and to better assist in the support of my family in Italy.

Upon my arrival, I filed application for United States citizenship and on May 12, 1928, I received my final papers.

On October 26, 1924, I married Angelina Bellaccomo, who also had immigrated from my hometown in Italy. My wife received her final United States citizenship papers in the year of 1929.

We had moved to Islip, Long Island, N. Y., in 1926, and I began my own business as a barber. To date, I have conducted my own establishment and at the present time I am financially secure, owning both my business property at 488 Main Street, Islip, N. Y., and my residence property at 51 Columbia Street, Islip, N. Y.

Since our marriage was not blessed with any children, we have always been interested in our nephews and nieces living in Italy. During all these years, we have followed their growth and progress through regular correspondence and have financially assisted them whenever and wherever possible. In that regard, we have sent food, clothing, and money to both of our families during all the years of our marriage.

During World War II, the village of Raffadali and the district of Agrigento, where our families still live, were devastated by military action and our relatives suffered extreme hardship. It was most difficult to communicate with them and parcel-post packages of either food or clothing could not be mailed. Our anxiety during this period was most acute and I made up my mind that after the war ended I would make a trip to visit my parents, both of whom were then living, and the other members of my family, to do whatever I could personally to help them.

It was on this trip that the thought occurred to me of adopting one of the younger nieces and bringing her to live with us in America. I discussed this with my brother, Salvatore, and his wife, Giovanna. They agreed that because of his ill health, meager income, and the very remote possibilities of a secure financial

future for any of them, that my offer of adoption was a wonderful thing for me to do. We then made arrangements with a local attorney to proceed with the preparation and filing of adoption papers.

I had returned to the United States and the further processing of the legal details had to be conducted by correspondence with the attorney and representatives of the courts. My trip was made in September 1947 and the application for adoption was inaugurated at that time. Yet, it was not until February 18, 1953, that the adoption became final.

The delay was unbearable and my wife and I had just about given up hope that our plans for this child would ever materialize. We had so wanted her to start her schooling here where she could learn English and have the advantage of growing up with American children. Yet, now we feel that if she could get here next year, when she will be only 9 years old, it will not be too late to indoctrinate her in the American way of life.

During this period of waiting on the final adoption, I had left no stone unturned in the hope that we could get her to America, even before the adoption became final. My brother in Rome did what he could to contact the Italian Minister of Foreign Affairs to obtain a passport, only to find that the applications for visas in connection with adoption cases could no longer be processed after April 5, 1952, almost a whole year before our adoption had become final. Then to our dismay, we learned that even though the child was legally adopted, she would not be entitled to any preference under current immigration laws.

We had been completely legally misadvised. Here, we had thought that because we had acted in good faith and had taken the advice of our attorney, our procedure was perfectly correct, as were our intentions, and that everything would work out in due course. While "ignorance is no excuse of the law" we were completely defeated. After all the heartaches, the correspondence, the waiting, the legality of the law was a new factor which we did not consider. Yet, we still had hopes.

We had learned that the Very Reverend Monsignor Emil Komora, executive director, Catholic Committee for Refugees, 265 West 14th Street, New York 11, N. Y., could possibly help us. With the recommendation of our pastor, we went to him and stated our case. We were informed that the circumstances of our problem were quite unique and that our chances of getting our adopted daughter, Theodora, to the United States were very remote. She would have to wait out her place in the immigration quota.

I then turned to the father of this child, who, at my request, and with his earnest cooperation, contacted the American consul at Palermo, Sicily, only to find that we had no avenue open with which to accomplish our mutual goal. I then contacted the Italian consul in New York City, and in turn he contacted the Italian Ambassador at Washington, D. C., again to find that because of the delayed adoption proceedings, we had lost our chance to have this child included in a quota of immigrants.

It would be fruitless to say at this point that I have given up all hope. Yet, I now know and realize that my adopted daughter is still an Italian citizen and therefore subject to the immigration laws applicable to Italian nationals. She must be listed in the regular quota of immigrants as assigned to Italy by the United States Government. At the present moment, her name is not on any list whatsoever because the quota is oversubscribed and consequently the office of the Italian Minister of Foreign Affairs in Rome is closed for that purpose.

With all of the obstacles we have encountered, our faith has not been shattered, even though I am now 55 and my wife 48 years of age. As Roman Catholics, we attend church regularly and earnestly pray that our plight will be recognized as a sincere desire to do good for an underprivileged child whom we wish to have as our own, in our home, and in our hearts.

Your gracious assistance in our problem will be recognized in God's eyes and in our own. The most difficult part for us has been the waiting. The child was 2 years old when I first signed the adoption papers. She is now 8 years old.

VINCENT SAMMARTINO.

TRANSLATION OF ADOPTION CERTIFICATE

The Court of Appeals of Palermo, Special Section for Minors, composed of the following persons:

Dr. Caffarelli, Giustino, president;
Dr. Rocche, Vincenzo, counselor;
Dr. Giannitrapani, Alfredo, counselor-clerk;
Dr. Gueli, Giuseppe, counselor;
Dr. Marguglio, Domenico, expert;

reconvening in the counsel chambers, and having read the petition and examined all other documents, found that Mrs. Emanuele Sammartino (mother of the petitioner) did not appear to testify although regularly subpenaed. Her relationship (as grandmother of the child and mother of the petitioner) was explained by the counselor-clerk. The Minister of Public Affairs accepted the conclusion of the adoption petition, and having qualified the case as defined by articles 311, 312, and 313 of the Civil Code, decrees that the adoption of Theodora Sammartino, the child of Salvatore and Giovanna Sammartino, born at Raffadali on the 18th of January 1945, be recognized in favor of the couple, Vincent Sammartino, son of Emanuele and Margaret Sammartino, born at Raffadali on the 5th day of June 1898; and Angelina Bellaccomo Sammartino, daughter of Joseph and Josephine Bellaccomo, born at Raffadali on the 12th day of July 1905.

Dated at Palermo this 18th day of February 1953.

Recorded by the president, Dr. Caffarelli, with the clerk of the court (Signor Grasso) on the 5th day of March 1953.

Adoption certificate No. 5757, registered at Palermo, the 23d day of March 1953, book 3, volume 503, page 60. The Superior Procurator Marino has collected 2,355 lire from the attorney D'Alessandro.

This is a copy of the original released by request of the attorney, Salvatore D'Alessandro.

Dated at Palermo the 31st day of July 1953.

(Signed) _____ _____,
The Court Clerk.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2348) should be enacted.

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Calendar No. 341

84TH CONGRESS, 1st Session | SENATE | REPORT No. 332

MAY 16 1955
LAW LIBRARY

BASIL THEODOSSIOU

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2354]

The Committee on the Judiciary, to which was referred the bill (H. R. 2354) for the relief of Basil Theodossiou, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to permit Basil Theodossiou to apply in Egypt for a visa to enter the United States under the provisions of section 4 (a) (7) of the Refugee Relief Act of 1953, as amended, notwithstanding his inability to meet the residential requirements set forth therein. The bill also provides that section 7 (d) (2) of the said act shall not apply to Basil Theodossiou.

STATEMENT OF FACTS

The beneficiary of the bill is 25 years of age, and was born in Egypt of Greek ethnic parents, and presently resides in that country. The beneficiary served with the British Army during World War II as a wireless operator. Following his discharge in 1947, he began serving in the merchant navy and has served on a number of ships for different countries. The beneficiary played a decisive part in the rescue of the steamship *Greenville* by the *Ile de France* in September 1953. It is stated that the rescue was possible only because the beneficiary of the bill, who was the radioman aboard the *Greenville*, substituted a makeshift antenna for a broken one, thereby maintaining radio contact with the *Ile de France*. The beneficiary states that if he is permitted to enter the United States, he will join the United States Navy or

merchant marine, or obtain work in connection with radio and electric installations.

The following information was contained in House Report 1534, which accompanied H. R. 7049, a bill introduced and passed in the House of Representatives during the 83d Congress:

JANUARY 12, 1954.

Hon. JOHN FOSTER DULLES,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: Please find enclosed three copies of private bill, H. R. 7049, introduced by Representative Francis E. Walter of Pennsylvania, a member of this committee.

Mr. Walter informs me that the beneficiary of his bill, a true hero of the rescue operation undertaken by the French liner *Ile de France* last September in the Atlantic, resides in Port Said, Egypt, and that he could be reached if a communication to him is addressed to Post Office Box 13, Port Said, Egypt.

The purpose of this letter is to request that our Embassy or our consul general in Egypt be asked to contact Mr. Basil Theodossiou immediately for the purpose of interrogating him regarding his personal data, so that your Department could make a report on Mr. Walter's bill.

A formal request for a report is hereby enclosed.

Sincerely,

CHAUNCEY W. REED, *Chairman.*

MARCH 13, 1954.

The Honorable CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Mr. Basil (Basile Nicholas) Theodossiou, beneficiary of H. R. 7049, 83d Congress, 2d session.

A communication has now been received from the American consulate at Port Said, which reports that the local reputation of Mr. Theodossiou is good. The Greek consulate has stated that he is a man of excellent character. Furthermore, he holds a good-conduct certificate given him for his service with the British Armed Forces.

Mr. Theodossiou has informed the consulate that if he immigrates into the United States, he hopes to join the United States Navy or the merchant marine. However, the Egyptian quota, to which he is chargeable for immigration purposes, has been very heavily oversubscribed for some years. Present indications are that he must anticipate an extended period of waiting before a number from the quota will become available to cover the issuance of an immigrant visa to him.

At this time, the Department has no information from which it can be ascertained whether Mr. Theodossiou would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Mr. Walter, the author of this bill, recommended the enactment of his measure and submitted the following letters from the beneficiary of this bill:

PORT SAID, *January 14, 1954.*

Hon. FRANCIS E. WALTER,
Department of State,
Washington 25, D. C.

SIR: I venture to write you the present letter in order to give expression to my heavy debt of gratitude for your superlative support in connection with my being granted the requisite authority, under so exceptional circumstances, to live in God's own country.

If the worthy representatives of modern democracy find it possible to grant my request, they—in common with your good self—will have conferred upon me an unforgettable honor which but very few persons, unfortunately, have had the

rare fortune to share. If, on the other hand, my dream cannot, in the wise judgment of the United States Congressmen, be realized I shall ever retain and conserve the sweet memory of the wonderful interest and kindness you have been so good as to manifest for me.

I can assure you that, in any case, I shall never belie the confidence, honor, or support which may be reposed in me; and with special reference to your effort in my favor, I shall be gratified to have it in my power to prove worthy of your noble sentiments.

Wishing you and your respected family a truly happy and prosperous 1954 and assuring you of my grateful appreciation of your kindness.

Respectfully yours,

BASIL N. THEODOSSIOU.

PORT SAID, *January 18, 1954.*

Hon. FRANCIS E. WALTER,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR SIR: I am in receipt of your letter of the 12th instant enclosing copy of the bill submitted, for both of which I feel very thankful. I venture to say that I feel deeply indebted to you.

I hasten to submit data respecting my person; and, in this connection, take the liberty of submitting that during the war I served in the British forces and not the Allied merchant marine as erroneously reported.

I was educated at the Greek and French colleges at Port Said up to the end of 1942. At the age of 16, specifically on January 9, 1942, I volunteered for service in the Greek forces. Owing to my youth and in consequence of an agreement which then existed between the Greek authorities and the British authorities, I was directed to enroll in the British Army's Royal Signals. There I received a training in radio and operating all sorts of equipment; and, upon completion of my course, I was posted to the General Headquarters, Middle East, as wireless operator. While serving I continued my studies, particularly navigation, and in 1944 I was posted in General Headquarters, Palestine, until my discharge on September 9, 1947, as per copy of my commanding officer's report which is enclosed. During the war I was the recipient of the following medals:

(*a*) African Star, (*b*) 1939–45 Medal, (*c*) Palestine Medal with clasp, (*d*) the Defense Medal, (*e*) the War Medal, (*f*) St. Mark's Cross.

Before receiving my first class certificate on June 8, 1948, I was sailing with my military certificate.

On November 14, 1947, I began my career in the merchant navy and served on board the following ships: Steamship *Latharna* (British), steamship *Katina* (Panamanian), motorship *Cozy* (British), steamship *Tefkros* (British,) steamship *George Potamianos* (Greek), steamship *Greenville* (Liberian) on which last-mentioned vessel I served from December 17, 1950, until she sank on September 21, 1953.

During my service with British vessels I was the holder of a special permit issued by the Overseas Telecommunications, London; on occasions, too, I acted in the capacity of second officer in view of the fact that I am quite experienced in deck work and that I intend obtaining a captain's certificate at some future date.

With regard to languages, I can speak Greek, English, French, Arabic, Italian, and Spanish fluently.

Furthermore, I have gained good experience in shipyards. Ships I served on and which had to undergo surveys afforded me the opportunity of acting as assistant to the surveyors. In addition, much work in electric and radio installations has been carried out by me.

My father is a shipping agent and managing agent for the small craft of the British divisional sea transport officer, Middle East. He acted, also, as managing agent for UNRRA at Port Said, and copies of his certificates are enclosed. I have two brothers, the elder who is aged 27 years is an engineer officer in the merchant navy; the other is 16 years old and is still at school from which he will graduate next year. My own age is 25 years. If admitted in the United States of America, my plans for the future are : (*a*) to join the United States Navy (*b*) to join the United States merchant navy, or work for any private company as wireless operator (*c*) obtain unemployment in connection with radio and electric installations work.

In sincere hope that the information given in this letter will prove adequate.

Thanking you for your kindness.

Yours truly,

B. N. THEODOSSIOU.

COMMAND NO. 3 SQUADRON,
PALESTINE COMMAND SIGNAL REGIMENT,
July 22, 1947.

ME/2551909 Signalman B. Theodossiou

To Whom It May Concern:

The a/n was posted to this regiment approximately 3 years ago and was posted to this squadron on May 17, 1946.

He was employed on nearly all branches of signal duties—at which he proved himself extremely capable and reliable.

He has also been employed on all main wireless links from this headquarters and proved to be one of the best operators we have had.

His general character is excellent.

N. WHITE, *Captain, Radio Signals.*

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION,
Cairo, March 9, 1945,

Mr. NICOLAS THEODOSSIOU,
Ismail Street 12, Port Said.

DEAR MR. THEODOSSIOU: To my great regret I was unable to attend personally the ceremony for the commissioning of the motorship *Imera.*

However, Mr. Birk, who represented me there told me what a great success the ceremony was and how so many authorities at Port Said had given their time and hard work to this mercy ship.

Both he and Mr. Spinks were particularly warm in their praise for your own unsparing efforts to make the *Imera* a success.

I should like to express UNRRA's thanks to you for your excellent work.

Yours sincerely,

N. MATHEWS. *Chief, Balkan's Mission.*

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION,
Cairo, November 30, 1944.

Mr. NICOLAS THEODOSSIOU,
Ismail Street 12, Port Said.

DEAR MR. THEODOSSIOU: I want you to know that I personally very much appreciate the excellent work you have done in helping us to complete the hospital ship *Imera* at Port Said.

All of us who have been connected with this vessel realize that you have gone far beyond the requirements of your agency with us, in assisting and aiding in every way possible to do all of the many things required to put this boat to sea; and all of us, including Mr. Leo Gerstenzng, Chief of the Bureau, are most appreciative of your efforts.

This is also a tribute to the loyalty and spirit of the Greek people, as represented by you for I am sure that you realized that you were helping your great nation in assisting us to get this hospital ship started on its errand of mercy.

Thank you again for all of us.

Yours faithfully,

F. M. SPINKS,
Acting Chief, Transport Section.

The beneficiary of this bill was the principal character in a true story published in the March 1954 issue of the Reader's Digest, entitled Ile de France to the Rescue. Since that story demonstrates the decisive part played by Mr. Theodossiou in the rescue of the steamship *Greenville* by the *Ile de France* in September 1953, and since his heroic deed led to the introduction of this bill, the committee believes that it is pertinent to this legislation, and it reads, in part, as follows:

Last September 20, the steamship *Ile de France*, veteran of the French Line, was making her way to New York from Le Havre, France. The big ship carried a capacity load of passengers, mostly American tourists bringing home happy memories of their vacation in Europe. But the passengers weren't happy that

day. They were 800 miles west of Ireland and a heavy storm was raging, with an 85-mile-an-hour wind whipping up 50-foot waves. It was the kind of storm that causes seasoned sailors to expect a distress call at any moment.

At 3:35 p. m. it came, crackling in the earphones of the ship's radio operator. "S O S. Assistance required. We are steamship *Greenville*. Position about 50.01 North 22.51 West. Wheel and bridge broken. Our boats destroyed." The registry shows that the *Greenville* is a small cargo ship flying the Liberian flag.

At 4:05 *Ile de France* radios *Greenville*. "We are coming to you." *Greenville* answers: "Quick, please."

The *Ile de France* now advises all ships at sea: "Our course 253°, speed 13 knots, going to rescue *Greenville*."

Thus begins another drama of the sea. The passengers of the *Ile de France* are mostly in their cabins seeking comfort from the storm, unaware of what is going on.

At 4:42 a new signal comes from the *Greenville*: "Aerial broken. Using emergency wire. Batteries running down." This is bad. Unless *Greenville* can stay on the air, she has no hope of being rescued.

But at 5:06 *Greenville* is heard again. "Can you see us in radar?" she inquires. Twenty minutes later she repeats: "Any bearing yet in your radar?"

Now *Ile de France* receives a message from a coastal radio station at Valentia, Ireland, and relays it to *Greenville:* "Tugboat *Turmoil* also proceeding to your assistance. Our present speed about 15 knots" (the maximum speed *Ile de France* can make in the storm).

Greenville answers: "Please hurry. We are making list and rolling badly."

At 6:50 an inquiry comes from *City of Chicago:* "Have you found *Greenville?*" But there is still no bearing of *Greenville* in *Ile de France*'s radar and the radio officer enters a note in the log: "Signal from *Greenville* weakens." At 7:51 another note: "Signal from *Greenville* disappears."

Ile de France calls *Greenville* several times, but all calls remain unanswered. Now there is grave concern on board the rescue ship. With *Greenville*'s transmitter silenced, the disabled vessel would appear to be doomed. The *Ile de France* continues to plow through the storm, but with no certain objective. And with every passing minute the silence becomes more ominous.

Then at 9:35 comes a message from the *Mapledore*. "Receiving position signals relative to *Greenville*."

Through *Mapledore* communication with *Greenville* is temporarily reestablished. At 10:22 *Mapledore* signals: "*Greenville*'s (radar) bearings getting closer. We think she is near us, but she has no lights."

At 11:05 *Ile de France*, steaming through the dark, tries to reestablish direct communication with *Greenville*. "Our position now 50.00 North 22.50 West. No trace of you yet in radar." Silence.

At 11:18 *Ile de France* sends a new message: "We shall fire two rockets every half-hour beginning 11:30. Please tell us bearing of them if sighted." More silence.

At 11:31 *Ile de France* says: "We just fired one rocket. Did you see it?" Then, 2 minutes later: "Second rocket just fired." But still no answer from *Greenville*. Has her radio quit for good?

Finally, at 25 minutes past midnight, a message from *Greenville* gets through. The signal is weak, the news grim: "Sea getting worse. Can hardly stand." *Ile de France* can only continue her search and fire rockets. But the radio contact has renewed hope, and this is quickened when *Mapledore* informs *Ile de France*: "Have seen your rockets about 70°."

Then at 1:14 a new appeal from the *Greenville:* "We are in critical position. Chief officer killed. What distance from us, please?"

At 1:50 there is a message of cheer from *Mapledore* to *Greenville: "Ile de France* just passed us; must be nearer to you. Wish you the best of luck."

But there is still no bearing of *Greenville* in *Ile de France*'s radar and the radio is silent for more than an hour. Hope dims. Then, at 3:21, *Greenville* shows up on the radar screen.

At 3:38 *Ile de France* signals *Greenville:* "We are now 5 miles from you. How many crew on hand and what cargo?"

At 4:05 *Greenville* to *Ile de France:* "Crew 26. One dead, three injured. Cargo 9,300 tons wheat from Montreal to Liverpool."

At 4:30 *Ile de France* advises *Greenville:* "Cannot lower boats tonight. Shall stay close to you until daylight."

For more than an hour the two ships ride through the storm, joined only by the fragile link of their radios. At 6:10 a message comes from *Greenville:* "Fear ship capsizing. If necessity arises, can you give rescue assistance?"

Ile de France to *Greenville:* "Impossible to lower boats. Do you intend abandon ship?"

No answer.

7:26 *Ile de France* to *Greenville:* "Ready to take you by portside. Buoys, ladders, rafts, ropes and doors ready. Do you intend abandon ship? Make decision immediately; must proceed New York."

7:32. *Greenville* to *Ile de France:* "Can you wait until noon?" (In the best tradition of the sea, the captain of the *Greenville* is doing his utmost to save his vessel with its valuable cargo—a duty second only to the saving of lives.)

But *Ile de France* answers: "Cannot wait. Give reason why you want us to wait."

Greenville to *Ile de France:* "Hopeful salvage tug *Turmoil* coming. Could you advise *Turmoil* our position?"

Ile de France signals to *Turmoil* via the Valentia radio station. Then she checks to see whether any other boat might be coming to *Greenville's* rescue. She queries *Mapledore:* "Are you coming to us?" *Mapledore* answers: "No, we are steering south. Unable to turn back. Ship will not take helm."

Similarly, *City of Chicago* answers: "Our situation like *Mapledore's*. Light ship; can't turn helm."

Now, with the seas still raging, the radio link between the *Greenville* and her rescuer plays a new role. On each ship the captain is anxiously weighing his responsibility.

At 10:04 *Ile de France* signals: "This message personally for master of *Greenville, City of Chicago* and *Mapledore* unable to help you. No answer from *Turmoil*. Have to make decision. Weather will not improve. Have 2,000 people on board. Can now send lifeboats. Do you intend to abandon ship?" For emphasis this message is signed, "Master, *Ile de France*."

For 50 minutes no answer comes from *Greenville*. Then: "Does your message mean towing job?"

"Cannot do salvage job," *Ile de France* answers. "Could save only people if you hurry. Must proceed New York. Quick decision, please."

Suddenly *Ile de France* hears from the *Turmoil* and relays word to *Greenville:* "Tugboat *Turmoil* could be near you in two days and a half."

No word from *Greenville*. The *Ile de France* is getting impatient and at 11:41 asks: "May we now proceed New York? Answer immediately."

At 11:55 *Greenville* says: "Final answer in a few seconds."

At 11:56 *Ile de France* warns *Greenville:* "If you do not decide to abandon ship immediately, I proceed New York." This sounds like an ultimatum. It is.

There is no answer and at 12:21 *Ile de France* repeats the ultimatum.

At 12:24 *Greenville* asks: "Where will you take us?"

Ile de France replies: "To New York. You will have to jump overboard to be rescued by our boats. Half crew at a time. Hurry before it is too late. Sea becoming rough again."

But *Greenville* is still thinking it over. At 2:10 she askes: "How many men can the lifeboats carry?"

Ile de France answers: "Thirteen men. Please stop your engines."

Finally, at 2:29, *Greenville* flashes her final message: "We are abandoning ship."

Il de France relays the message to all ships at sea, and adds: "Am picking up crew. Sea very rough."

At 4:52 *Ile de France* radios: "Still picking up crew. Have 17 men on board."

Thus for nearly 3 hours the *Ile de France* maneuvers close to the sinking *Greenville*, while her boats struggle through the seas to rescue the shipwrecked sailors. One of the last to be pulled from the water is the *Grrenville's* radio operator. He is in full uniform, with three rows of decorations received in World War II in the service of the Allied merchant marine.

At 5:18 *Ile de France* is able to flash to all ships at sea: "QUM QUM QUM" (end of distress communications).

Now from all over the Atlantic come messages of congratulation.

Neptunia to *Ile de France*, "Following with admiration your wonderful job on *Greenville*." Similar praise from *Nieuw Amsterdam, United States, Parthia*, and others.

At 7:06 *Ile de France* sends a warning to other ships, giving the position of the derelict *Greenville*. And at 10:42 a final message to all ships and coastal stations: "Close all traffic regarding *Greenville*."

This is the last entry in the log. It is followed by a terse note from the chief radio officer of the *Ile de France:*

"The rescue was possible only because the *Greenville's* radioman, Basil Theodossiou, substituted a makeshift antenna for the broken one. This makeshift aerial—a piece of copper wire attached under the boat deck of the sinking ship—explains the weakness of her signal."

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The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2354) should be enacted.

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MAY 16 1955
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Calendar No. 342

84TH CONGRESS, 1st Session | SENATE | REPORT No. 333

ELIZABETH ANN GIAMPIETRO

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2361]

The Committee on the Judiciary, to which was referred the bill (H. R. 2361) for the relief of Elizabeth Ann Giampietro, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor adopted child of United States citizens the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 1-year-old native and citizen of Japan, who was adopted in Japan by M. Sgt. and Mrs. John Giampietro, who are United States citizens presently residing in Japan where Sergeant Giampietro is stationed with our Armed Forces. Sergeant and Mrs. Giampietro have also adopted two other orphans for whom they hope to obtain visas under the Refugee Relief Act of 1953. However, that act states that only 2 such visas may be issued to eligible orphans adopted by any 1 United States citizen and spouse, and therefore the beneficiary of the bill will be unable to qualify for a visa.

A letter, with attached memorandum, dated November 5, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9979, which was a bill introduced in the 83d Congress for the relief of Richard, Clara, and Elizabeth Ann Giampietro, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., November 5, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9979) for the relief of Richard, Clara, and Elizabeth Ann Giampietro, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien children pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the children shall be considered the natural-born alien children of United States citizens.

As quota immigrants the children would be chargeable to the quota of Japan.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RICHARD, CLARA, AND ELIZABETH ANN GIAMPIETRO, BENEFICIARIES OF H. R. 9979

The beneficiaries, Richard, age 4; Clara, age 5; and Elizabeth Ann Giampietro, age 9 months; are natives and citizens of Japan, born on April 27, 1950, Kanagawa-Ken, Japan; August 15, 1949, Yokohama, Japan; and January 7, 1954, Yokohama, Japan, respectively. They have never been in the United States. The children were orphans and have been adopted by Mr. and Mrs. John Giampietro, the parties interested in their cases.

Mr. and Mrs. John Giampietro are United States citizens. Mr. Giampietro was born in Philadelphia, Pa., on June 26, 1918. Mrs. Giampietro, nee Brewer, was born on November 8, 1921, Winston-Salem, N. C. They were married at Philadelphia, Pa., on June 30, 1946. Mr. Giampietro has testified that this is their only marriage. Mr. Giampietro has further testified to the following effect: He has been a member of the Armed Forces of the United States since January 1937 and his present rating is master sergeant; he is a musician assigned to the 289th Army Band, 8050th A. U., APO 434, c/o Postmaster, San Francisco, Calif., and that his total annual income is $4,459 (includes foreign service pay and quarters allowance); his wife and his three adopted children are residing with him and are dependent upon him for support; his tour of duty in Japan will not expire until September 1955.

Information supplied by Mr. Giampietro's mother indicates that he intends to remain in the United States Army and will keep the children with him wherever stationed.

The bill, as introduced in the 83d Congress, provided for the admission of all three children adopted by Sergeant and Mrs. Giampietro. However, two of the children, Richard and Clara, are eligible to enter the United States under the provisions of the Refugee Relief Act, as amended.

The following letter dated October 18, 1954, was addressed to the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office, Department of State:

DEPARTMENT OF STATE,
Washington, October 18, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of July 27, 1954, and its enclosures, wherein you request a report on the visa cases of Richard, Clara, and Elizabeth Ann Giampietro, beneficiaries of H. R. 9979, 83d Congress, 2d session.

With regard to Richard and Clara Giampietro, the American consulate general at Yokohama has reported as follows:

"Richard and Clara Giampietro were registered at the consulate general as intending immigrants under the quota for Japan as of August 10, 1953. They were also registered for immigration purposes under Public Law 162 but the adoptive parents were not scheduled to return to the United States until September 1955. They therefore decided to wait and endeavor to obtain visas under the provisions of the Refugee Relief Act of 1953. The documentation in their cases is now complete except for medical requirements, passports, and certificates of readmission."

Subsequently, Mr. and Mrs. Giampietro adopted a third child, Elizabeth Ann, who was not related to either of the other two children and, accordingly, a visa cannot be issued to her under the Refugee Relief Act of 1953 because of section 5 (a) of such act which reads, as follows:

"That not more than two such special nonquota immigrant visas may be issued to eligible orphans adopted or to be adopted by any one United States citizen and spouse, unless necessary to prevent the separation of brothers or sisters."

The consulate general added that Mr. and Mrs. Giampietro stated that since they were not scheduled to return to the United States until September 1955 they planned to keep Elizabeth Ann in the hope that something could be done which would enable them to take her and the other two adopted children with them to the United States.

At this time, the Department has no information from which it could be ascertained whether the three children would be qualified in all respects to receive visas.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Congressman Francis Walter, the author of the bill, submitted the following documents in support of the bill:

AGREEMENT

MARCH 21, 1954.

To Whom It May Concern:

I hereby certify having given Yamada Anne Elizabeth into the custody of M. Sgt. and Mrs. John Giampietro with the view of having the child legally adopted by the aforementioned persons.

The child was released from this home on March 21, 1954.

ALOYSIA GAILE,
Our Lady of Lourdes, Baby Home, Yokohama, Japan.

289TH ARMY BAND,
UNITED STATES ARMY FORCES, FAR EAST,
APO 343, July 8, 1954.

To Whom It May Concern:

The undersigned has been personally acquainted with M. Sgt. John Giampietro and his family for the past 6 months. From all appearances they are people of high integrity and good moral standing. The sergeant is a member of the United States Army and is presently serving in this unit.

Several months ago this family adopted an infant girl from a Japanese orphanage. This child is the third orphan to be adopted. They have another girl about 5 years of age and a boy about 6. I was present in their home when the children were christened, therefore, it is evident that they desire to bring these orphans up in a good American Christian home and that someday they will become useful American citizens.

The sergeant advises that a new public law recently enacted by the United States Congress permits only two adopted children per family to be entered in the United States. Additionally, under the old law, there was no limitation on the number of children.

Sergeant Giampietro has an excellent record in the United States Army and quite a number of years' service. If there is anything that can be done to help this family solve their problem, it will be greatly appreciated.

JOHN R. CHARLESWORTH,
CWO USA, Commanding.

289TH ARMY BAND,
SPECIAL TROOPS,
AFFE, APO 343, July 5, 1954.

Subject: Character reference.
To: Whom it may concern.

I, the undersigned, have known M. Sgt. John Giampietro for 5 years and have served with him in the same units during that period. I feel that I can speak highly in his behalf.

I have found Master Sergeant Giampietro to be possessed of those basic qualities that are found in all good men.

He is honest, sober, and above all, accepts responsibility freely and without reservation.

I feel that in the years that I have known Master Sergeant Giampietro, he has proven to myself and to all who know him that he is a stable and upstanding individual.

Further, in the time during which he has had his adopted children, he has shown the compassion and understanding that is so desirable in a parent.

THEODORE PATRANC,
SFC, 1st Sergeant.

289TH ARMY BAND,
UNITED STATES ARMED FORCES, FAR EAST,
APO 343, July 7, 1954.

To Whom It May Concern:

I have known M. Sgt. John Giampietro for the period of 2 years and have found him to be of excellent character and of good moral habits. While in the 289th Band he has performed his duties in a very capable manner and has been an outstanding leader.

Since adopting three Japanese children he's been a very good parent and worthy of the responsibility he has taken upon himself.

Sincerely,

ALBERT MASTRON, *SFC.*

HEADQUARTERS,
UNITED STATES ARMY HOSPITAL,
8168TH ARMY UNIT,
APO 503, July 9, 1954.

CERTIFICATE

Elizabeth Giampietro, age 6 months, dependent of M. Sgt. and Mrs. John Giampietro, was examined for adoption and found to be free of contagious and communicable diseases. Her physical and mental development appeared to be normal for her age.

DAVID CORNFELD,
Captain, MC, Women's and Children's Clinic.

Approved:

ALLAN B. RAMSAY,
Colonel, MC, Commanding.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2361) should be enacted.

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Calendar No. 343

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 334

MAY 16 1955
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SING FONG YORK

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2731]

The Committee on the Judiciary, to which was referred the bill (H. R. 2731) for the relief of Sing Fong York, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Sing Fong York. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 55-year-old native of China who entered the United States on September 15, 1934, as a stowaway. His last residence abroad was in Trinidad, British West Indies. The beneficiary states that his wife and two sons have been living in China under Communist control for a number of years and that he does not know whether they are dead or alive. The beneficiary owns and operates a grocery store in a small community in Arkansas. On March 22, 1954, the beneficiary was arrested and fined $137.15 on the charge of selling beer on Sunday. His alcoholic beverage permit was suspended for 30 days. Residents of the community state that the beneficiary is a good citizen and is well thought of.

A letter, with attached memorandum, dated October 14, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 10251, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

OCTOBER 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10251) for the relief of Sing Fong York, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Memphis, Tenn., office of this Service, which has custody of those files.

The bill would grant this alien the status of permanent resident in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SING FONG YORK, BENEFICIARY OF H. R. 10251

The beneficiary, Sing Fong York, is a Chinese subject, born January 15, 1900, in Sun Woi, Kwantung, China. His last residence abroad was in Trinidad, British West Indies. He entered the United States at New York, N. Y., September 15, 1934, on an unknown oil tanker as a stowaway. Subject is married and has two children. His wife and children reside in China. He made application for suspension of deportation, but Congress did not pass the concurrent resolution favoring his suspension. On November 28, 1952, the Board of Immigration Appeals entered an order granting the alien the privilege of voluntary departure. He did not depart and was ordered deported. His counsel presented a motion to present oral argument. Argument was granted and counsel was heard June 3, 1954. The Board of Immigration Appeals ordered on July 14, 1954, that the outstanding order and warrant of deportation be withdrawn and that the alien be permitted to depart voluntarily from the United States in not less than 60 days, and further ordered that if he did not depart he be taken into custody and deported.

Mr. York owns and operates a grocery store in the small community of Round Pond, St. Francis County, Ark. Mr. York has no near relatives in the United States. His wife and adult children reside in China.

Mr. York was arrested and on March 22, 1954, was fined $137.15 in the municipal and county court at Forrest City, Ark., on the charge of selling beer on Sunday. The Alcoholic Beverage Control Board for the State of Arkansas suspended his beverage permit for 30 days.

Congressman E. C. Gathings, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter and affidavit in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, January 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I am writing you in the interest of H. R. 2731, which I introduced on January 20 for the relief of Sing Fong York.

Mr. York has lived in my congressional district for over 20 years and has been a good citizen, holding the respect and friendship of all those in the community in which he resides. He owns and operates a store at Round Pond, Ark.

During the 83d Congress, I introduced H. R. 10251, which was also for the relief of Sing Fong York. The Immigration and Naturalization Service reported on the matter after adjournment and this report is now in the files of the committee. May I urge your committee's early consideration of this case and action toward favorably reporting my bill to the floor.

Yours sincerely,

E. C. GATHINGS.

STATE OF ARKANSAS,
County of St. Francis, ss:

AFFIDAVIT

We, the undersigned, being residents and citizens of St. Francis County, Ark., and over the age of 40 years, state on oath:

That we have known Sing Fong York, who resides at Hicks Corner near Round Pond, Ark., for better than 10 years; that Sing Fong York has owned and operated a grocery store at the location of Hicks Corner during this period of time and that he has made a good, quiet, peaceable, sober, and industrious citizen of the community.

That he advises us that he has not heard from any of his relatives who were located in places that are now under Communist control, for a number of years; that he does not know whether his wife and two sons are dead or alive.

Dated this 7th day of March 1955.

E. J. BUTLER.
FRED SWAN.
DAVID GATES.

Subscribed and sworn to before me this 7th day of March 1955.

Mrs. ALMEDA M. BRIM, *Notary Public.*

My commission expires July 10, 1958.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2731) should be enacted.

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Calendar No. 344

84TH CONGRESS, 1st Session } SENATE { REPORT No. 335

MAY 16 1955
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BENT PETERSEN

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2762]

The Committee on the Judiciary, to which was referred the bill (H. R. 2762) for the relief of Bent Petersen, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Bent Petersen. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of Denmark. He last entered the United States on November 29, 1951, at New York as a seaman. He had made numerous entries previously. He was inducted into the United States Army on January 14, 1952, and served 2 years after which he reenlisted and has now attained the rank of sergeant. The beneficiary's parents and a brother reside in Denmark. The only relative in the United States is his aunt, Margaret Norman, a citizen of the United States with whom he makes his home.

A letter, with attached memorandum, dated August 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 9329 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

AUGUST 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9329) for the relief of Bent Petersen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Denmark.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BENT PETERSEN, BENEFICIARY OF H. R. 9329

Bent Petersen is a native and citizen of Denmark who was born January 4, 1932. He last entered the United States on November 29, 1951, at New York, N. Y. as a seaman. The alien was inducted into the United States Army on January 14, 1952, and, after serving 2 years, he reenlisted for 6 years in the Regular Army on January 14, 1954. He first entered the United States as a seaman in 1946 and subsequently made numerous entries in pursuit of his calling. The beneficiary does not qualify for naturalization under existing law, since he cannot satisfy the requirements as to residence and admission.

The beneficiary resided with his family until October 1946 when he became a seaman. From 1946 until December 1951 he worked on various Scandinavian ships. In April 1951, the alien was hospitalized for medical treatment at the United States Marine Hospital at Stapleton, Staten Island, N. Y. After his discharge he remained ashore until September 1951, when he resumed working as a seaman. In the interim, he resided with an aunt and uncle at Rockaway Point, N. Y., and took employment at a beach club for the summer months. During this period he also registered for selective service. The beneficiary was notified to appear for induction shortly after his last arrival and he remained in the United States.

The beneficiary was discharged after the 2 years' service required under the Universal Military Training and Service Act on January 13, 1954. He reenlisted as a corporal and has now attained the rank of sergeant. He is serving as a harbor craft supervisor on the United States cable ship *Niles*. The beneficiary is highly regarded by his commanding officer and the officers and men with whom he has served. He has been awarded the National Defense Service Medal.

The beneficiary's parents and a brother reside in Denmark. His only relative in the United States is his aunt, Margaret Norman, a citizen of the United States. The beneficiary makes his home with his aunt. He attended school for 8 years in Denmark. He estimates the value of his assets at about $400 plus an equity in some property in Denmark.

The files of the Committee on the Judiciary of the House of Representatives contain the following documents in support of the measure:

UNITED STATES ARMY CABLE SHIP "NILES",
1267 ASU, DETACHMENT NO. 1,
Fort Jay, Governors Island, N. Y., June 3, 1954.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: Attached is a copy of the letter transmitted to Hon Chauncey W. Reed concerning Cpl. Bent Petersen. At your request, your attention is called to your letter to Cpl. Bent Petersen dated May 25, 1954.

Very truly yours,

ANATOLY I. TOUFANOFF,
CWO–4, United States Army, Commanding.

UNITED STATES CABLE SHIP "NILES,"
1267 ASU DETACHMENT,
Fort Jay, Governors Island, N. Y., June 2, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR MR. REED: I am writing to you at the suggestion of Representative Emanuel Celler in the behalf of Cpl. Bent Petersen, RA5116020, who is a member of my command.

Mr. Celler has informed Corporal Petersen that on May 25, 1954, a private bill had been introduced for his relief to the effect that Corporal Petersen shall be held and considered to have been lawfully admitted into the United States for permanent residence. To acquaint you with Corporal Petersen's problem, I am enclosing a copy of his letter to Mr. Celler.

Corporal Petersen has been assigned to the United States cable ship *Niles* since August 10, 1953. I assumed my present command February 25, 1954. Since that time I have observed his work and conversed with him daily. Based on my personal observation of him, the records of this vessel, and his reputation among other members of this command, it is in my opinion that Corporal Petersen would make an excellent citizen of this country. He has performed his duties in a superior manner and his character and efficiency are above reproach. He has exhibited unquestioned loyalty and devotion to this country and the principles for which it stands.

Very truly yours,

ANATOLY I. TOUFANOFF,
CWO–4, United States Army, Commanding.

HEADQUARTERS 7TH TRANSPORTATION
PORT COMMAND C AND PUSAN MILITARY POST.
San Francisco, Calif., January 19, 1955.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

DEAR MR. EMANUEL CELLER: I am writing you in regard to your efforts on behalf of Sgt. Bent Petersen, a member of this command. He came to this office seeking advice relative to his efforts to obtain citizenship and stated that you had indicated a willingness to help him.

It would be helpful to me to know what steps you have taken and the extent of your success. Sergeant Petersen's new address is: Sgt. Bent Petersen, RA51160200, 501st H/C and MM Company, APO 59, San Francisco, Calif. He is on his second enlistment, having completed 3 years' active duty.

Please reply by airmail as regular mail requires from 3 to 4 weeks.

Sincerely yours,

THOMAS A. MITCHELL,
First Lieutenant, JAGC, Acting Port Judge Advocate.

MAY 13, 1954.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I am writing to you concerning a personal problem which I have in relation to my desire to become an American citizen. My permanent home address is 16 Reid Avenue, Rockaway Point, Queens, N. Y., which is the home of my aunt, Mrs. Margaret Norrman.

I am a citizen of Denmark. I am now a member of the United States Army stationed at Fort Jay, N. Y., and am serving in the capacity of quartermaster aboard the United States cable ship *Niles* and hold the rank of corporal. In 1951 I was a merchant seaman aboard the Danish ship, *Gerd*, which was docked in New York harbor. While in New York in April 1951, I became ill with a skin ailment which necessitated my signing off the ship, and I entered the Marine Hospital at Staten Island, N. Y. I was furnished the 29-day seaman's visa. I remained in the hospital 11 days and, at the end of that period of time, I went to the home of my aunt at Rockaway Point. While staying with my aunt, I went to the United States Immigration office and asked for an extension of my seaman's visa to allow me a longer visit. The immigration official to whom I

spoke said all right, but did not furnish me with any papers and did not state how long a period of time I could remain. I remained with my aunt all summer and worked as an employee of the Breezy Point Surf Club.

In August 1951 I received a letter from the Immigration Department, which stated I should appear on the 5th day of September at the immigration office, and also stated that I must obtain selective-service papers by that date. I immediately went to local board No. 67, Post Office Building, 18–36 Mott Avenue, Far Rockaway, N. Y., and told them of my situation. I was furnished registration papers, which I signed and received a registration certificate. This was on the 22d day of August 1951. I appeared at the immigration office in Manhattan on September 5 and saw the same man that I had asked for the extension previously. He stated that I had overstayed the extension, although I pointed out to him that he had not stated a specific period. He told me then that he would give me 10 days to find another ship and get out of the country, or I would be subject to deportation. I immediately went to the Norwegian Seamen's Union, located in Brooklyn, and applied for the first available ship, which was the Norwegian ship, *Brarena*, which ship I signed on as a member of the crew on September 11, 1951. The *Brarena* went on a South American trip, and we returned to New York in October 1951. Upon my arrival in New York, a member of the Immigration Service informed me that I would not be allowed to go ashore. I remained on the ship during our whole stay in New York, and we sailed again on another South American trip during October 1951 and returned again to New York in November 1951. The same thing happened in regard to the immigration this time, and I remained on board during our stay in New York. We again went to South America and returned to New York in December 1951.

I was extremely desirous of obtaining permission to leave the ship on this visit, and through the efforts of the Standard Fruit Co., the charterer of the ship, permission was obtained from the Immigration Service to allow me to go and visit my aunt. The reason I was so anxious to get to see my aunt was that she had informed me that there were papers from my draft board awaiting me at her residence. I found that this was an order to report for a physical examination, which was mailed on November 29, 1951. After signing off of the ship I reported for my physical at the designated time, which was the 21st of December 1951. I remained at my aunt's over the Christmas holidays.

Since I only had a 29-day seaman's visa, and did not want to be in any difficulty with the Immigration Service, on the 3d of January 1952 I again went to the seamen's union to get a ship. After placing my name on the list at the union, I returned home and found my order to report for induction into the Army. I went to the draft board and explained my situation in regard to shipping out, but I explained to them that I was desirous of entering the Armed Forces. The draft board then contacted the Immigration Service by telephone and an agreement was secured from Immigration to allow me to overstay my visa a sufficient length of time to be inducted into the Army. I signed a waiver and volunteered to speed up my induction.

I was inducted into the Army on January 14, 1952, and was sent to Camp Kilmer, N. J., where I remained until the 21st of January. I volunteered to take basic training in Hawaii and arrived at Schofield Barracks, Hawaii, on the 1st of February 1952. I remained at this post until June 30, 1952. I was told by an Army doctor at Schofield that I had flat feet of the third degree and should receive a medical discharge. I explained to him that I was very much desirous of remaining in the service and he told me that he would see what could be done.

I was returned to Fort Devens, Mass., arriving there on July 6, 1952, and I was again reexamined, and it was finally determined that I could remain in the service. On August 1, 1952, I was assigned to the Transportation Corps Ship, *Abbot*, and I remained on duty on the *Abbot* until August 10, 1953, at which time I was transferred to the cable ship *Niles*, which is my present duty assignment.

I was discharged after my 2 years of service on January 13, 1954, and reenlisted in the Army on the 14th of January 1954 for a 6-year enlistment. I had been promoted to the grade of corporal on March 31, 1953. I have never been in trouble in the Army and, as far as I know, all my character and efficiency ratings have been excellent and outstanding.

My main desire, of course, is to become a United States citizen. I have contacted the legal assistance officer at Governors Island, Headquarters First Army, and after a search of the law and conversations with the Immigration Service, it is found that under the existing law I am not eligible for citizenship, principally because I did not have service in World War II, and under the more recent

act which requires only 90 days honorable service, I did not enter the country under a permanent alien visa nor did I have residency in this country for at least 1 year.

My present commanding officer has expressed his support of my case and has volunteered his help. I should like very much if it would be possible for me to see you personally about this matter. If it is convenient with you at any time, I am sure I can obtain permission to come to Washington, or at your convenience, see you for a few minutes while you are in this area. I intend to make the Army my career and understand that as long as I remain in the service the Immigration authorities will take no deportation action in my case. However, I would like to get married and be a citizen soldier rather than an alien soldier. I want to be sure that I can always make my home in the United States and that my children would be certain of American citizenship which means so very much to me.

I have tried to clearly and accurately present all the facts in my case. I would appreciate very much any help that you can give me and, if possible, the date for an appointment if it is possible for me to see you personally. My address is: Cpl. Bent Petersen, RA51160200, 1267th ASU Detachment No. 1, USCS, Niles, Fort Jay, N. Y.

Thanking you for consideration of my case.

Gratefully yours,

BENT PETERSEN, *Corporal, RA51160200.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2762) should be enacted.

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MAY 1-6 1955

Calendar No. 345

84TH CONGRESS, 1st Session } SENATE { REPORT No. 336

MAY 16 1955
LAW LIBRARY

VICTOR AND IRENE-WANDA GOLDSTEIN

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2764]

The Committee on the Judiciary, to which was referred the bill (H. R. 2764) for the relief of Victor and Irene-Wanda Goldstein, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Victor and Irene-Wanda Goldstein. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 43- and 35-year-old couple who are natives and citizens of Poland. They last entered the United States on May 25, 1948, as visitors so that the wife could obtain medical attention. They were married in Poland in December 1945 and have no children or close relatives. The husband has been employed by Ever-Auto Parking Co. of New York City and the wife has been pursuing a premedical course and majoring in chemistry.

A letter, with attached memorandum, dated January 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 3226 which was a bill pending in the 83d Congress for the relief of the same aliens, reads as follows:

JANUARY 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3226) for the relief of Victor and Irene-Wanda Goldstein, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the aliens the status of permanent residents of the United States upon payment of the required visa fee. It also directs that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Poland.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VICTOR AND IRENE-WANDA GOLDSTEIN, BENEFICIARIES OF H. R. 3226

The beneficiaries, Victor Goldstein, also known as Wictor and Viktor Goldstein, and Irene-Wanda Goldstein, also known as Wanda Goldstein, were born November 27, 1911, and July 31, 1919, respectively, and are natives and citizens of Poland. They first entered the United States in transit to the Dominican Republic, where they were admitted as immigrants. They last arrived in the United States on May 25, 1948, at which time the female beneficiary was admitted as a visitor for medical attention and the male beneficiary was admitted as a visitor accompanying his wife for medical attention. Each beneficiary was required to post a $500 departure bond. Applications for adjustment of status under the Displaced Persons Act were denied on September 13, 1949. Applications for further extension of their temporary stay were denied on February 2, 1950. Deportation proceedings were commenced on April 5, 1950. New applications for adjustment of status as displaced persons were filed on August 28, 1951, and denied May 16, 1952. Subsequently, they were granted voluntary departure by April 25, 1953, and if they failed to depart, consideration be given to breaching their departure bonds. They have not departed and their departure bonds have been declared breached.

The beneficiaries resided in Poland from birth until 1947. They were married in Poland in December 1945, and have no children or close relatives. They have $23,000 in savings accounts and alleged that they brought this money to the United States at the time of their arrival.

The male beneficiary attended public school for 8 years and a technical school for 4 years in Poland. He was inducted into the Polish Army in 1934 and served until 1940, when he was sent to a German prison camp, where he worked as an auto mechanic until 1943. He escaped from the prison camp in 1943 and went to Lubin, Poland, where he resided until 1945. From 1945 to 1947, he was employed by the Central Jewish Committee in Warsaw, Poland. He has been employed by Ever-Auto Parking Co. of New York City and earns $60 per week.

The female beneficiary attended the Co-Work School in Warsaw, Poland, from 1929 to 1936 and Warsaw University from 1936 to 1939. She also attended the Chopin Music School and the Ballet School in Novacka from 1927 to 1935. She was employed by various concerns in the United States from October 1948 to June 1951. From September 1951 to 1953 she has attended classes at Columbia University, where she was pursuing a premedical course and majoring in chemistry. However, she advised that, because of illness, she had not taken final examinations and cannot continue at Columbia, but intends to resume her studies at Long Island University or another college.

The Committee on the Judiciary of the House of Representatives also received the following letters in support of this measure:

NEW YORK SECTION,
NATIONAL COUNCIL OF JEWISH WOMEN,
COMMITTEE ON SERVICE FOR FOREIGN BORN,
New York, N. Y., June 23, 1952.

Re Goldstein, Victor and Irene-Wanda, 313 Bright Water Court, Brighton Beach, Brooklyn, N. Y.

Hon. JACOB K. JAVITS,
New York, N. Y.

DEAR CONGRESSMAN JAVITS: We should like to bring the immigration situation of Mr. and Mrs. Goldstein to your attention. It is our opinion that this couple is at present unable to adjust their immigration status under the existing laws and that therefore they can legalize their status only if a private bill should be introduced in their behalf.

In order to enable you to evaluate their situation we are attaching a summary of their background, experiences, and present immigration status. As you see from the summary a warrant was issued but the hearing under the warrant has not taken place yet. However, we feel it is very important that a bill be introduced, during this present session. The Goldsteins' hearing is likely to come up during this year and the couple then would not have any other basis for asking for a stay of deportation.

In case the hearing should take place while Congress is not in session, would there be any possibility of contacting you then, so that you might be able to write to INS expressing your interest in the situation and so insuring a stay of deportation?

We will be very grateful for your interest and help in this situation.

Very truly yours,

BERTI GIDEON, *Caseworker.*

SUMMARY

JUNE 23, 1952.

Re Goldstein, Victor and Irene-Wanda, 313 Bright Water Court, Brighton Beach, Brooklyn, N. Y.:

Victor Goldstein (INS file No. local 0300–247836, central office A–6 985 844) was born on November 27, 1911, at Biata Podlaska, Poland. His wife, Irene-Wanda (nee Habergrutz) (INS file No. local 0300–247835, central office A–6 985 797), was born on July 30, 1919, at Warsaw, Poland. The couple were married in Poland. They have no children and they have no other immediate family any more since their relatives were killed in the Nazi concentration camps during the war.

The couple lived in Poland until the end of 1947 when they were able to secure immigration visas to the Dominican Republic. They came in-transit to the United States where Mrs. Goldstein had an uncle who has died since. They remained in the United States for about a week and then proceeded to the Dominican Republic. However, after their arrival in the Dominican Republic Mrs. Goldstein became ill and was granted a visitor's visa to the United States in order to receive surgical treatment which she needed and could not receive in the Dominican Republic. The couple reentered on visitors' visas on May 28, 1948. Their original length of permission to stay was to June 14, 1948. They had a reentry permit to the Dominican Republic valid to August 14, 1948. They did ask for an extension of their visitor's visa in order for Mrs. Goldstein to receive further medical treatment.

In the meantime the DP Act of 1948 had been passed and upon the advice of a lawyer the couple applied under the DP Act. (We understand from Mr. and Mrs. Goldstein that their lawyer disappeared in 1949 from his office and they have been unable to locate him ever since.) However, in 1948 the Goldsteins were not eligible under the DP law for a technical reason. They had arrived in the United States after the deadline of the act, which was April 1, 1948. INS started deportation procedure against them and warrants of arrest were served on both of them on February 28, 1950.

Subsequently, however, they were informed by INS that they were technically eligible under the amended DP Act and they reapplied under section 4 of the act. They had their hearing on February 29, 1952, and under the date of March 11,

1952, they were informed that their application was denied on the basis that they did not have to fear persecution for reasons of race, religion, or political beliefs upon return to the Dominican Republic. Their inability to return to the Dominican Republic is a documentary problem. Their original reentry permit expired and they have been unable to secure another reentry permit.

In May 1953 the Goldsteins will have been in the United States for 5 years so that they would fill the statutory requirements for preexamination. However, they will not be able to take advantage of the privilege of preexamination because of the unavailability of Polish quota numbers. We do feel that the Goldsteins are actually displaced and have no country where they could return to.

The Goldsteins have made an adequate economic adjustment in the United States. As long as they were here as visitors they did not work in order not to violate the conditions of their visitors' visas. However, in 1949 after they did not have valid visitors' visas anymore Mr. Goldstein went to work and for the last 3 years he has worked at the same job as manager for the Ever-Auto Parking, at 714 West 21st Street. He is an auto mechanic by training. Mrs. Goldstein, who was a clinical psychologist in Poland, is at present taking a premedical course at Columbia University.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2764) should be enacted.

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Calendar No. 346

84TH CONGRESS, 1st Session } SENATE { REPORT No. 337

UNIV. OF MICH. LAW LIBRARY MAY 16 1955

MRS. ELFRIEDE MAJKA GRIFASI

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2941]

The Committee on the Judiciary, to which was referred the bill (H. R. 2941) for the relief of Mrs. Elfriede Majka Grifasi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 34-year-old native and citizen of Austria who married Charles A. Grifasi on July 20, 1950, in Vienna, Austria, where he was employed by the United States Occupation Forces. The beneficiary has been found to be ineligible to receive a visa because she was convicted on July 31, 1948, in Austria, of complicity in a minor theft, a crime involving moral turpitude. Without the waiver provided for in the bill, a United States citizen will be unable to bring his wife to the United States.

A letter dated April 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office of the Department of State with reference to H. R. 7246, which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF STATE,
Washington, April 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Mrs. Elfriede Majka Grifasi, nee Follner, beneficiary of H. R. 7246, 83d Congress, 2d session.

A communication has been received from the American Embassy at Vienna, which reports that on January 31, 1948, Elfriede Majka, who is believed to be identifiable with Mrs. Grifasi, was convicted by a district court at Vienna of theft in violation of sections 171 and 174 Ic of the Penal Code, and of complicity in theft under sections 185 and 186a of the code. She was sentenced to severe arrest for 6 weeks and a probation term of 3 years. The court records in the case show that she misappropriated a gold wrist watch, lace tissue, and blue woolen fabric valued at not more than 500 shillings. She also concealed and appropriated to herself a piece of linoleum, a castrol, and a chair, valued at not more than 500 shillings.

The crime of theft has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Grifasi.

At this time the Department has no knowledge of any factor in Mrs. Grifasi's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Grifasi from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Congressman William E. Miller, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following documents in support of his measure:

STATE OF NEW YORK,
County of Erie, City of Buffalo, ss:

Charles A. Grifasi, being duly sworn, deposes and says:

That he resides at 120 Congress Street, in the city of Buffalo, N. Y. That he is the husband of Elfriede Majka Grifasi, to whom he was married in Vienna, Austria, on the 20th day of July 1950. That his said wife is now residing at Vienna, Austria, and her present address is Vienna XVIII, Naaffgasse 4.

Deponent further says that he applied for an immigration visa for and on behalf of his said wife on the 26th day of September 1951, at the American Embassy in Vienna, Austria.

Deponent further says that no action has been taken upon the said application for a visa. That he left Austria on the 7th day of June 1953 for the purpose of coming to the United States to expedite the application for a visa.

Deponent further says that he an American citizen, having been born in the United States. That he went to Austria with the United States occupation forces in August of 1945. That he was employed by the United States Army until February of 1950, at which time he was released due to a reduction in personnel. That after he was released he attended the University of Vienna until December of 1950, and from that time until he left Austria he worked as a private contractor for the State Department doing photo-editorial work.

Deponent further says that he has been informed that his application for an immigration visa on behalf of his wife has been held up because of an alleged conviction against her in 1948 at Vienna, Austria. That the circumstances of the said conviction are as follows: She was accused in June of 1945 of various minor offenses. That she was not tried until 1948, at which time she was convicted after a trial lasting 10 minutes. There were three complainants against her. One complainant withdrew her charges. Another complainant, who charged the theft of a watch, did not appear. Only one complainant did appear. That complainant accused deponent's wife of the theft of some linen. The value thereof did not exceed $5. There was no testimony at the trial that deponent's

wife stole the linen or the watch. The complainant had made an affidavit in June of 1945 to the effect that deponent's wife was in possession of certain linen belonging to the complainant. At the trial the magistrate asked the said complainant if she wished to say anything about the linen. The said complainant merely testified that it was her linen. There was no proof that the linen or the watch came into the illegal possession of deponent's wife. There was no proof that the said linen or the watch had been stolen or misappropriated by deponent's wife. That deponent's wife was nevertheless found guilty of 2 charges, even though 1 complainant did not appear. The deposition of the absent complainant was illegally used as evidence. Deponent's wife was sentenced to serve 6 weeks, but sentence was suspended and she was placed on probation. That deponent's wife was not "convicted" within the meaning of that word as used in the immigration laws of the United States. That the proof was grossly inadequate to sustain a conviction under American standards. That no formal rules of evidence were complied with during the course of the trial. That she was not accorded a trial by jury and was not even entitled to a trial by jury under Austrian law. That there is no presumption of innocence in favor of a dependent in a criminal trial in Austria. That a bare accusation seems to be sufficient to justify a conviction under Austrian law.

Deponent further says that the accusations against deponent's wife were the result of political differences between deponent's wife and the various complainants who made accusations against her. The accusations, as before stated, were made in June of 1945. That the dominant political beliefs in Austria at that time were either Nazi or anti-Nazi. Deponent's wife was an outspoken anti-Nazi, while the three complainants were Nazis. At the time in question, feelings were running very high and there was great animosity and ill feeling on the part of Nazis against anti-Nazis. That because of said feelings and attitudes there was considerable enmity between the three complainants and deponent's wife at the time the accusations were made in June of 1945. That all three complainants had made threats to get even with deponent's wife because she was anti-Nazi and her political beliefs differed radically from the beliefs of the three complainants. That at the time of said accusations in June of 1945, Vienna, Austria, was under Russian domination.

Deponent further says that after his wife was convicted as aforesaid, she was pardoned on the 6th day of September 1949 by the President of the Federal Republic. That attached hereto and made a part of this affidavit is exhibit A, an official copy of the said pardon, and also attached hereto is a translation thereof, marked "Exhibit B."

Deponent further says that thereafter an attempt was made through an Austrian attorney to reopen the case or to obtain a new trial. That said attempt was not successful for the reason that there was no jurisdiction in the court to grant a new trial or to reopen the case for the reason that the deponent's wife received an unconditional and outright pardon. That attached hereto and made a part hereof is an official duly authenticated document showing the history of the case and particularly that deponent's wife is considered a person who has never been convicted, because under Austrian law the pardon has the legal effect of completely removing the conviction. That said document is marked "Exhibit C." That attached hereto and marked "Exhibit D" is an official translation of the said document.

Deponent further says that in July of 1945, while the city of Vienna, Austria, was under Russian occupation and control, his wife was offered complete exoneration and dismissal of all charges if she would join the Communist Party. It is to be noted that said offer was made very shortly after the charges against her were filed. That said offer was made by a district leader of the Communist Party. That similar offers were made to many other persons who were unfriendly to the Communist regime which then had control of the city of Vienna, Austria. That said offers were used by the Communist Party officials to win over to the Communist cause as many of the civil population as possible. That deponent's wife refused to accept the said offer. That she stated at the time that she did not believe in communism and would not join the Communist Party, and that as a result of her statements and her attitude which showed that she was not friendly to the Communist regime, the charges against her were not dismissed.

Deponent further says in conclusion that an immigration visa should be issued for his wife for the following reasons and on the following grounds:

1. That she was not convicted of a crime within the meaning of the immigration laws.

2. That she was not accorded a jury trial.

3. That there was no proof or evidence of theft submitted against her.
4. That the complainants had an obvious motive for revenge against deponent's wife.
5. That the linens and other articles which were the subject of the accusation were ordinary articles and were not and could not be identified as the precise articles which belonged to the complainant.
6. That the accusation and the trial and the entire procedure did not even remotely comply with American standards for criminal trials and criminal accusations.
7. That the term "conviction" should be used and should have the meaning intended by American law.
8. That in any event, the deponent's wife was pardoned and the conviction was duly and legally canceled by a proper official of the Austrian Government, and that under Austrian law the deponent's wife is considered a person who has never been convicted.

CHARLES A. GRIFASI.

Sworn to before me this 21st day of July 1953.

[SEAL] CHRISTY A. BUSCAGLIA,
Commissioner of Deeds, Buffalo, N. Y.

STATE OF NEW YORK,
County of Erie, ss:

I, Edward A. Rath, clerk of the county of Erie, and also clerk of the supreme and county courts for said county, the same being courts of record, do hereby certify that Christy A. Buscaglia, whose name is subscribed to the certificate of the proof, acknowledgment, or affidavit of the annexed instrument in writing, was, at the time of taking such proof, acknowledgment, or affidavit, a commissioner of deeds in and for said county, commissioned and sworn and duly authorized by the laws of said State to take and certify the same as well as to take and certify the proof and acknowledgment of deeds and other written instruments to be recorded in said State and further, that I have compared the signature to the original certificate with that deposited in this office by such officer; and verily believe the signature to the original certificate of proof, acknowledgment, or affidavit is genuine.

On witness whereof, I have hereunto set my hand and affixed the seal of said county and courts at Buffalo, this 21st day of July 1953.

[SEAL] EDWARD A. RATH,
Clerk.
AUSTIN L. GANGER,
Deputy County Clerk.

C No. 775

EXHIBIT D

[Translation from German]

[File No. 67/1953. Official copy]

NOTARIAL DOCUMENT

Before me, Dr. Walter Schwaighofer, deputy of public notary, Dr. Conrad Kruenes, in Vienna, appointed as such by decree of the Provincial Court for Civil Matters of Vienna, No. Pers. 4–K–8/47, with the office in the inner city, appeared today in the office at I. Riemergasse No. 1, Vienna, attorney at law Dr. Hubert Schmiedt, of IX. Bauernfeldplatz No. 4, in Vienna, personally known to me, and has caused me to record officially the following.

STATEMENT

In my position as the attorney of Mrs. Elfriede Grifasi, of Vienna, XVIII. Naafigasse No. 4, I herewith declare as follows:

On January 31, 1948, my client was convicted by the Provincial Court for Criminal Matters of Vienna to 6 weeks of prison because she was held to be guilty of having illegally appropriated in 1945 a wristwatch, lacework, and woolen fabric, and because, apart therefrom, some insignificant objects for daily use were found in her apartment, which objects were lost by their owners during the battle events. Due to her good name and to her blamelessness, however, the said penalty was inflicted only upon probation; the punishment, therefore, was not

executed. As early as on August 27, 1949, the Federal President of the Republic of Austria has unconditionally remitted the said conviction with the effect that, since that date, she is considered not previously convicted pursuant to Austrian law. Pursuant to Austrian law she is considered a person who has never been convicted.

Unfortunately no appeal was taken against the judgment of January 31, 1948. The principal reason therefor was that my client did not have the means for such an appeal at that time. It is exceedingly regrettable that the said judgment remained unchallenged because there was a great chance that she would have been acquitted upon appeal. Pursuant to Austrian law this deplorable omission was made up for by the act of the Federal President who canceled the conviction.

Based upon the knowledge of the facts and of my client's character, I became convinced that she was unjustly condemned because she was innocent. I have been thoroughly acquainted with my client for the past 4 years and I value her as an irreproachable person. As any practitioner of law knows, it can happen by unfortunate circumstances that even such a person is convicted for a crime he or she did not commit. With respect to the deed with which my client was reproached, I must remark as follows:

By chance my client's parents found in 1950 a photograph of her which was made in 1945 and where the allegedly stolen watch can be seen clearly. I was ordered to submit the said photography to the court in order to apply for a reopening of the case. I deem it absolutely impossible that such order would have been given to me in case my client had really stolen the watch because then such steps would have been not only absurd from the start, but would also have been detrimental to my client.

From a letter of the divorced husband of my client, which is in my possession, one can gather that she received the lacework and the woolen fabric as a gift from him during the war.

With respect to the few objects for daily use in my client's possession, it is proved that they were brought into my client's apartment by members of the Russian occupation forces. The house where she lived at that time was temporarily totally evacuated upon order of the Russian occupation power. During that period of evacuation Russian soldiers were quartered in all apartments thereof, and after they left a terrible confusion prevailed throughout the whole building.

It is my opinion that the chances that the judgment of January 31, 1948, would be changed into an acquittal by means of reopening proceedings, would be very high in view of the evidence now at my disposal, but for the fact that the Federal President had already canceled the conviction. Since pursuant to our law such cancellation means full rehabilitation, it was obvious that the courts were opposed from the first to the reopening of the proceedings intended by me because they deemed such steps foolish. For the aim to be attained by reopening proceedings was already arrived at by the cancellation.

Finally I will not omit to stress again that I am convinced that Mrs. Grifasi was unjustly convicted. This opinion is based upon my thorough knowledge of the facts and upon the character of my client.

The costs and fees for the drawing and the execution of this notarial document will be borne by Dr. Hubert Schmiedt.

Official copies of this notarial document, at the charge of the persons ordering the same, may be issued in any number, also to Mrs. Elfriede Grifasi.

Concerning the said matters this notarial document was recorded, was read to the appearing party and was approved by him as fully in accordance with his wishes, and was, thereupon, signed by him before me.

Vienna, on April 27, 1953.

Dr. HUBERT SCHMIEDT (with his own hand).

[SEAL] Dr. WALTER SCHAICHOFER (with his own hand),

As by decree of the Provincial Court for Civil Matters of Vienna appointed deputy of the Notary Public Dr. Conrad Kruenes.

This official copy destined for Mrs. Elfriede Grifasi corresponds literally with the original filed under No. 67/1953 with the files of the Notary Public Dr. Conrad Kruenes and consisting of 2 sheets, each of them stamped with a tax stamp of 6 schillings.

Vienna, on April 27, 1953.

(Sd) Dr. WALTER SCHWAIGHOFER,

As with decree of the Provincial Court for Civil Matters of Vienna appointed deputy of Notary Public Dr. Conrad Kruenes.

[SEAL OF NOTARY PUBLIC
DR. CONRAD KRUENES]

The genuineness of the preceding signature of Dr. Walter Schwaighofer (appointed deputy of Notary Public, Dr. Conrad Kruenes in the above notarial district) is herewith certified.

The President of the Provincial Court
for Civil Matters
Vienna, April 30, 1953
Deputy (Sd) Dr. NAGLER.

[SEAL OF THE PRESIDENT OF THE PROVINCIAL COURT, VIENNA]

The genuineness of the preceding signature and of the office seal is herewith certified.

Office of the Federal Chancellor
Foreign Matters
(Sd) FESTL.

[SEAL OF THE OFFICE OF THE FEDERAL CHANCELLOR]

[Follows English authentication by the U. S. Embassy in Vienna]

STATE OF NEW YORK,
County of New York, ss:

Paul L. Baeck, being duly sworn, deposes and says that he is over 21 years of age, that he is a member of the New York bar and was formerly a member of the Vienna (Austria) bar and that he is therefore fully familiar with the English and German languages, and that the above document is an exact and complete translation of the German document called "Notariatsakt No. 67/1953" of April 27, 1953, which was submitted to me.

New York, July 10, 1953.

PAUL L. BAECK.

Sworn before me on this 10th day of July 1953.

[SEAL] CELIA A. SHERMAN, *Notary Public.*

Commission expires March 30, 1954.

EXHIBIT B

[Certified translation from the German]

[Beglaubigte Uebersetzung ins Englische]

FRAU ELFRIEDE MAJKA

Vienna

13 Ns 975/48 Gn

The Federal Ministry of Judicial Affairs (Justiz) has made it known on August 27, 1949, No. 62291/49, that the President of the Federal Republic has pronounced the 6 weeks' sentence of close confinement which has been passed on Elfriede Majka born July 7, 1920, at Popitz, an Austrian citizen, divorced, residing in Vienna, XIX. Iglaseegasse 47, by the Federal Court for Criminal Matter on the 31st of January 1948 (2 a E Vr 13.194/46–8) to be unconditionally remitted and the conviction to be cancelled.

Resolution of the Higher Federal Court, Vienna, Dep. 3, of September 6, 1949, ad 3, Ns 8591/48.

Federal Court for Criminal Matter, Dep. 13,
VIII. Hernalsergürtel 6–12
Vienna, on September 10, 1949.

For the correctness of the above:
MICHALEK,
M. p., office manager of the dep.

[ROUND RUBBER SEAL OF THE FEDERAL COURT FOR CRIMINAL MATTERS]

Die genaue Uebereinsti mmung der vorstehenden Uebersetzung mit dem vir vorgewiesenen Original, bestätige ich unter Berufung auf meinen Eid.

WIEN, am 18. Oktober, 1949.

Referring to my oath I herewith certify that the above is a true translation from the original produced to me.

Vienna, October 18, 1949.
Dr. JULIUS WIRL.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2941) should be enacted.

○

Calendar No. 347

84TH CONGRESS, 1st Session | SENATE | REPORT No. 338

MAY 16 1955
LAW LIBRARY

MRS. IRENE EMMA ANDERSON

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2954]

The Committee on the Judiciary, to which was referred the bill (H. R. 2954) for the relief of Mrs. Irene Emma Anderson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of the wife of a citizen of the United States.

STATEMENT OF FACT

The beneficiary of the bill is a 39-year-old native and citizen of Germany who was married to Mr. Anderson, January 3, 1953, in Germany. She was previously married in 1933, her husband having died in 1942. There are four children of that marriage, aged 18, 16, 15, and 12. The 16-year-old has been adopted by a paternal aunt and it is anticipated that the 18-year-old will also be adopted by the same aunt. The youngest child is a ward of the West German Government and the other child is now residing with the beneficiary in Germany and the application for an immigration visa in the case of this child has already been approved

The beneficiary is ineligible to receive an immigration visa because she was convicted in Germany on November 26, 1946, for the crime of abortion and was sentenced to 2 months imprisonment. However, she never served any of the sentence.

letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8979 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8979) for the relief of Mrs. Irene Emma Anderson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude or who admit having committed such a crime, and would grant the alien permanent residence if she is found to be otherwise admissible. In addition, the bill provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MRS. IRENE EMMA ANDERSON, BENEFICIARY OF H. R. 8979

Information with respect to the beneficiary was secured from James William Anderson, 161 Stanley Street, Peoria, Ill., husband of the beneficiary, who is a native-born citizen of the United States. The beneficiary, a native and citizen of Germany, born June 12, 1914, has never been in the United States. She was married to Mr. Anderson, age 26, on January 3, 1953, in Germany. The beneficiary had been previously married to one Wilhelm Dotterer, a native and citizen of Germany, in 1933, and this marriage was terminated by Mr. Dotterer's death in 1942 while serving in the German Army. The beneficiary has four children as the issue of her first marriage, age 18, 16, 15, and 12, respectively. All these children are natives, citizens and residents of Germany. The next to the oldest child has been adopted by a paternal aunt, and according to Mr. Anderson, it is anticipated that the oldest child will also be adopted by the same aunt. The youngest child is presently a ward of the West German Government and is residing in a Government institution, where he receives full support except for clothing, which is furnished by his mother, the beneficiary. The other child is presently residing with the beneficiary at 229 Huptrestrasse, Heidelberg, Germany, and the application for an immigration visa in the case of this child has already been approved.

According to Mr. Anderson, the beneficiary's application for an immigration visa was denied by the American consul at Frankfurt, Germany, because the beneficiary had been convicted in Germany on November 26, 1946, for the crime of abortion and sentenced to 2 months imprisonment. Mr. Anderson stated that he was advised by the American consul that abortion is considered to be a crime involving moral turpitude, thereby making his wife ineligible to receive an immigration visa. Mr. Anderson further stated that it was his understanding that his wife never served any of the 2 months sentence of imprisonment which was assessed in her case. He further related that according to information furnished him by the beneficiary, the beneficiary had become engaged to an American soldier in Germany in 1945 and that this soldier deserted her when she became pregnant. Being at that time faced with the problem of supporting her four other children, she decided to seek out and submit to an abortion.

The beneficiary is stated to have an elementary level education, and her usual occupation is that of a maid. At present, she is unemployed and she and her

daughter residing with her are dependent upon Mr. Anderson for support. He states that he is sending them $80 to $100 a month, sufficient for their needs. Mr. James Anderson was a member of the United States Army from January 1949 to August of 1952, nearly all of this service being in Germany. He states that he is residing with his parents at Peoria, Ill., and is employed as a layout man and rubber engraver at a salary of $75 a week for a bag company in Peoria, Ill. His total assets including personal belongings and automobile are valued at about $1,000. He has not been previously married and has no one dependent on him for support other than his wife and her daughter. Both parents of the beneficiary are deceased, and other than her children she has no relatives in Germany except a brother and sister.

A letter dated June 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Director, Visa Office of the Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, June 24, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of May 10, 1954, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Irene Emma Anderson, beneficiary of H. R. 8979, 83d Congress, 2d session.

According to information contained in a report recently received by the Department from the American consulate general at Frankfort, Germany, Headquarters, Heidelberg military post submitted the marriage application of Mr. James William Anderson to the American consulate general at Stuttgart, for an opinion as to his fiance's admissibility into the United States in connection with her proposed marriage to Mr. Anderson. The foregoing report further states that in the course of the customary investigations it was revealed that Mrs. Irene Dotterer, who is believed to be identifiable with the beneficiary of the proposed bill, was convicted of the crime of abortion under paragraph 218 of the German Criminal Code on November 26, 1946, in the district court at Mannheim, and that the above-named headquarters post was so informed.

As abortion has been held to constitute a crime involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the alien would be ineligible to receive a visa and would be excludable from admission into the United States under the above-cited provision of law. As a consequence, the consular officer to whom Mrs. Anderson should apply would have no choice other than to refuse to issue an immigrant visa in her case.

At this time the Department has no knowledge of any factor in Mrs. Anderson's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Anderson from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Harold H. Velde, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the favorable consideration of his bill.

In addition, Mr. Velde submitted the following letter and documents in support of this measure:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 9, 1955.

HON. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration and Naturalization,
House Judiciary Committee, House Office Building,
Washington, D. C.

DEAR TAD: I should like to call your special attention to H. R. 2954, a private bill I reintroduced January 24 for the relief of Mrs. Irene Emma Anderson.

The bill was first introduced as H. R. 8979, 83d Congress. Chauncey Reed requested a report of the facts in the case on May 10, 1954. The Department of

State favored him with a reply on June 24, 1954, and further stated on August 26, 1954, as follows:

"The Department has just received a further report from the American consulate general at Frankfort, Germany, wherein it is stated that it has been discovered that in addition to the conviction of the crime of abortion in 1946, Mrs. Anderson was convicted on June 21, 1943, of embezzlement and fraud by the district court at Mannheim. When pertinent details concerning the last-mentioned conviction have been received from the consulate general at Frankfort, a further communication will be addressed to you."

In view of the aforementioned paragraph and a letter received from Mrs. Anderson's husband, I wrote the consul general in Frankfort and a copy of his reply of January 31, 1955, is enclosed.

Mr. James W. Anderson, is of course, a constituent of mine and was employed in my congressional district until he returned to Germany the latter part of 1954 in order to be with his wife and daughter. Mr. Anderson's letter of January 4, 1955, to me reads in part as follows:

"I went to the American consulate visa section on January 3 to look into the last report sent to your office stating that my wife was convicted on June 21, 1943, of embezzlement and fraud. Those shadowy words embezzlement and fraud make it sound like my wife robbed a bank, but this is what happened. My wife was given a coat by a German soldier she knew in 1943. A few months later the soldier returned and wanted the coat back. In the meantime, my wife had sold the coat and since she no longer had the coat or the money she received for it or anyone to witness the fact that he gave her the coat, she was convicted of embezzlement and fraud."

I have talked with the young man in my office in Peoria. He is, of course, a veteran and a very deserving young chap. I know that he is very, very much in love with his wife and wants so much to bring her back to this country with their daughter to lead happy and normal lives.

The instances set up as a bar to her admissibility are indeed unfortunate, but I feel it is one of those cases which should be looked upon with compassion and I would implore you to do whatever you can to expedite consideration of the bill, H. R. 2954.

Sincerely yours,

HAROLD H. VELDE, M. C.

AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, January 31, 1955.

Hon. HAROLD H. VELDE,
House of Representatives.

MY DEAR MR. VELDE: I acknowledge the receipt of your letter of January 21, 1955, concerning your continued interest in the immigrant visa application of Mrs. Irene Emma Anderson.

Mrs. Anderson's dossier reveals that her application was reviewed under section 4 of Public Law 770, and it was determined that the consulate general was unable to remove her inadmissibility thereby, inasmuch as she had been convicted of two charges involving moral turpitude by the district court in Mannheim.

Although this office was advised by the district court in Mannheim that court records pertinent to her conviction on June 21, 1943, for embezzlement and fraud are not available, the fact that mention of such a conviction appears in the court records concerning her conviction for abortion which had been forwarded to the Department of State on July 30, 1954, warrants a decision against her admissibility.

May I reassure you that in reaching a decision regarding Mrs. Anderson's inadmissibility, the consulate general accorded her every consideration consistent with the existing immigration law and regulations. There is no further action contemplated by this office on her application unless notice of congressional action on her behalf is received here.

Sincerely yours,

BARTLEY P. GORDON,
American Consul
(For the Consul General).

CERTIFIED COPY OF EXTRACT

LANDGERICHT MANNHEIM, SECTION FOR CRIMINAL CASES

In the name of the law.

Sentence in the criminal case versus (8) Irene Emma Dotterer, nee Seitz from Mannheim-Sandhofen, for abortion.

The Landgericht, Section for Criminal Cases, Mannheim in its session of November 26, 1946, in which participated: Landgerichtsdirektor Rost as presiding judge; Landgerichtsrat Dr. Müller, Amtsgerichtsrat Dr. v. Kirchenheim, as judges; Staatsanwalt Krämer as prosecuting attorney; Justizobersekr. Würzberger as recorder, rendered the following verdict:

The accused Irene Dotterer nee Seitz from Mannheim is sentenced for abortion, which constitutes a violation of section 218 German Criminal Code, subsection 1, to 2 months imprisonment together with the accused Wagenblab.

The accused have to pay for the legal expenses of the case.

REASONS

(8) In March 1946 the accused Irene Dotterer was pregnant in the sixth month, she went to see Anna Baumann and requested her to carry through an abortion in her case. In her usual way Baumann gave Dotterer 3 to 4 injections which caused an abortion. Baumann demanded 400 DM from Dotterer which she received, etc.

Decision on the expenses is based on section 465, German Criminal Procedure.

[S] ROST.
[S] Dr. v. KIRCHENHEIM.
[S] Dr. MÜLLER.

The above copy of the sentence is certified. The sentence is valid and can be executed.

The sentence in case of the convicted Baumann became valid on November 26, 1946, at 1735 by the fact that this convict resigned the possibility of appeal of the case, with respect to the other convicted persons the sentence became valid on December 3, 1946, at which time the period for appeal expired.

The prosecutor likewise resigned to appeal the case.

The recorder of the executive office of the Landgericht Mannheim:

[SEAL] [S] FENCHEL, *Justizoberinspektor.*

MANNHEIM, February 14, 1947.

It is hereby certified that the above extract copy is in full conformity with the original:

The Recorder of the Executive Office:

[S] WAAN, *Justizoberinspektor.*

[SEAL] Staatsanwaltschaft Mannheim.

MANNHEIM, May 22, 1954.

The pronounced sentence of 2 months imprisonment was suspended up to May 1, 1950.

On the basis of the amnesty law from May 8, 1947, (Gesetzüber die Gewährung von Straffreiheit) the punishment was remitted on June 20, 1947.

This is a true and correct translation of the German original, to the best of my knowledge and belief.

Heidelberg, 54 Haupt St. 24. V 54.

[SEAL]

FRITZ KRUSS,
Judicially Sworn Translator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2954) should be enacted.

○

UNIV. OF MICH.
MAY 16 1955
LAW LIBRARY

Calendar No. 348

84TH CONGRESS, 1st Session } SENATE { REPORT No. 339

RENE RACHELL LUYSE KUBICEK

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4043]

The Committee on the Judiciary, to which was referred the bill (H. R. 4043) for the relief of Rene Rachell Luyse Kubicek, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of France. She married S. Sgt. Rudolph Frank Kubicek in December 1950, at Wiesbaden, Germany. They have a daughter born on October 22, 1951. The beneficiary and her daughter are presently residing in Strasbourg, France, and the sponsor is stationed at Mitchell Air Force Base, N. Y. She has been found to be ineligible to receive a visa because she was convicted in Paris, France, on May 31, 1948, for petty larceny, a crime involving moral turpitude. Without the waiver provided for in the bill the beneficiary and her daughter will be unable to join her citizen husband in the United States.

A letter, with attached memorandum, dated November 9, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 1190 which was a bill

passed by the House of Representatives in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATIONALIZATION SERVICE,
Washington 25, D. C., November 9, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1190) for the relief of Rene Rachell Luyse Kubicek, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill is apparently intended to grant the alien admission to the United States for permanent residence, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, it being noted that it makes reference to statutory provisions which are no longer applicable.

As the spouse of a citizen of the United States, Mrs. Kubicek is entitled to nonquota status in the issuance of an immigrant visa. She is, however, inadmissible to the United States for permanent residence because of her conviction of the crime of petit larceny.

Sincerely,

ARGYLE R. MACKEY,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RENE RACHELL LUYSE KUBICEK, BENEFICIARY OF H. R. 1190.

Information concerning Rene Rachell Luyse Kubicek, a native and citizen of France who was born on January 18, 1926, was furnished by her husband, S. Sgt. Rudolph Frank Kubicek, who is presently stationed at Mitchel Air Force Base, Hempstead, Long Island, N. Y. Sergeant Kubicek joined the National Guard in 1938, and his unit in that organization was activated at Fort Dix, N. J. in 1940. He served in the Armed Forces of this country until 1945, when he was honorably discharged. He reenlisted in the United States Air Force in 1948. In 1949 while stationed with the United States Air Force in Wiesbaden, Germany, Sergeant Kubicek went on furlough to Paris, France, where he met his present wife. They were married to each other at Wiesbaden, Germany, in December of 1950, with the approval of the military authorities. Of this marriage a daughter, Marie, was born on October 27, 1951. Mrs. Kubicek and their daughter are presently residing in Strasbourg, France. They have never been in the United States.

Sergeant Kubicek stated that in March of 1951 he submitted a visa petition in his wife's behalf to the American consul in Frankfort, Germany, but was informed by the consul that his wife had a record of conviction in the correctional court (civil) in Paris, France, on May 31, 1948, for petit larceny, that she received a sentence of 1 year imprisonment and was fined 4,000 francs, which sentence was suspended. The consul further informed him that because of his wife's conviction and sentence she was inadmissible to the United States and could not be granted an immigrant visa.

Congressman Hugh Scott, the author of the bill, submitted to the House Committee on the Judiciary the following documents in support of his measure:

581st AIR FORCE BAND,
Mitchel AFB, N. Y., January 7, 1952.

AFFIDAVIT

To Whom It May Concern:

I am writing as a serviceman constituent currently stationed in Mitchel Air Force Base, N. Y., with the Air Force.

My name is Rudolph Frank Kubicek, son of Rudolph and Marie Kubicek, of 4841 North 18th Street, Philadelphia, Pa. I was born in Philadelphia on June 15, 1921, and have continued to make that my home except for the period of my military service, which period covers approximately 10 years.

I was married to Renee Rachell Luyse, a French national, on December 14, 1950, with military approval in Wiesbaden, Germany. After our marriage, form I–133 was completed and forwarded to Department of Immigration and Naturalization Service and was received by the American consul in Frankfurt, Germany. There was no indication of any ineligibility on the part of the dependent applicant prior to our marriage inasmuch as the American consulate was apparently satisfied with my wife's French passport, No. 58109, issued to her, Renee Luyse, on December 31, 1948, and due to expire on December 30, 1950. The passport was subsequently extended and was currently valid until December 30, 1952.

Upon investigation conducted by the American consulate of my wife's former residences, it was learned my wife had a record of conviction in the correctional court (civil) No. 14, Paris, France, on May 31, 1948, alleging petit larceny. My wife a transient in the city of Paris, was convicted and given a suspended sentence of 1 year and a fine of 4,000 francs. The offense was allegedly committed 6 months prior to the date of trial. During the time that I have known her and her family, since 1949 she has consistently demonstrated to her American employers, to me, and to the military authorities approving our marriage application, that she was a law-abiding and respected citizen, employee, and wife.

I had appealed to the military for a 6-month extension of my overseas tour in the European theater with the hope that something could be done in this regard. My extension had been canceled and I was rotated to the Zone of Interior December 1951, leaving my wife and our newborn baby in a foreign country with no satisfactory solution to a problem which to me becomes extremely important.

I will certainly appreciate anything that you can do for me in this respect. This recourse to your office is at the suggestion of the officials in the American consulate in Frankfurt am Main, Germany, who have indicated to me that their hands are tied on this matter because of the present security law covering admission of immigrants to the United States.

RUDOLPH FRANK KUBICEK,
Staff Sergeant, United States Air Force, AF20235716.

STATE OF NEW YORK,
County of Nassau:

On this 9th day January 1952, before me came Rudolph Frank Kubicek, to me known to be the individual described in and who executed the foregoing instrument and acknowledged that he executed the same.

ELEANOR V. FRIARY,
Notary Public.

Term expires March 30, 1958.

WIESBADEN CENTRAL EXCHANGE,
WIESBADEN MILITARY POST,
APO 633, United States Air Force, December 1, 1951.

Subject: Letter of recommendation.
To: Whom it may concern.

This is to certify that Mrs. Renee R. Kubicek has been employed with the Wiesbaden Central Exchange, main store, from December 16, 1949, until June 30, 1950, in the capacity of salesclerk in charge of the gift shop.

During this period Mrs. Kubicek performed her duties in such a manner as to reflect credit upon herself and the Wiesbaden Central Exchange.

I do not hesitate to recommend Mrs. Kubicek for any position of trust and dependability which her qualifications call for.

Mrs. Kubicek left the employment with the Wiesbaden Central Exchange on her own request.

JAMES R. WILLIAMS, *Area Manager.*

[Translation]

EXTRACT OF THE MINUTES OF THE REGISTRY OF THE COURT OF FIRST INSTANCE OF THE SEINE DEPARTMENT, SITTING IN THE JUSTICE PALACE IN PARIS

Open police court of the 14th chamber, held on March 31, 1948

The Public Prosecutor v. *Renee Luys*

Twenty-two years old, without profession, born on January 18, 1928, at Metz (Moselle), daughter of unknown father and Guillaumine Luys, mother, single, one child, undetermined nationality, without fixed domicile.

Commitment of March 24, 1948.

THEFT

After reading the interrogatory proceedings of the defendant, the court heard the public prosecutor's demands, the defendant's explanations and defending means, her lawyer's pleadings, and after due deliberation as prescribed by law, stated publicly and in first resort:

Whereas the above mentioned is accused of having faudulently stolen in Paris, in November 1947, $110 and identity papers from Mr. Fernand Dammons, offense provided for by the articles 379 and 401 of the penal code;

Whereas it appears from the documents of the case, the debates and especially from the avowal of the defendant that she committed—under the circumstances of time and place that were indicated by the passed summons—the offense she is accused of and that, consequently, she must subject to the application of the law;

Whereas the defendant never underwent any previous sentence pertaining to crime or offense of common law and good information was given on her account, she may profit of the dispositions of the law of March 26, 1891;

For the above reasons declares Miss Luys guilty of theft in accordance with article 379 and article 401 of the penal code and in accordance with the dispositions of the law, dated March 26, 1891, sentences Miss Luys to 1 year of imprisonment with suspense and a fine of 4,000 francs, and, in addition, condemns her to pay the costs, which have been advanced by the treasure, and amount to 991 francs, plus 30 francs of postage, sets to a minimum the duration of detention if such is regarded necessary.

(Signed) MOUNIER-MUHAUD.

Judged by Messr. Moumer, president, in presence of Mr. Arlis, substitute assistant, and Mr. Michaud, clerk of the court.

Registered in Paris on June 23, 1948.

500 francs.

(Signed) DELEUZEL.

For dispatch of a true copy is responsible the undersigned clerk of court, June 4, 1954.

[Signature].

It is hereby certified that the above is a true and exact translation of the French original.

Dr. IRENE REIFF.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4043) should be enacted.

○

Calendar No. 293

84TH CONGRESS, 1st Session | SENATE | REPORT No. 340

ELSA LEDERER

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 502]

The Committee on the Judiciary, to which was referred the bill (S. 502) for the relief of Elsa Lederer, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, change the period to a colon and add the following:

Provided, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the mother of a legal resident of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 50-year-old native and citizen of Germany presently residing in Munich. Her application for an immigrant visa has been denied on the ground that she had been convicted of stealing some candy. Her daughter entered the United States for permanent residence on November 20, 1951, and is now married to a citizen of the United States. They wish to have the mother join them in this country and without the waiver provided for in the bill, she will be unable to do so.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Senate Committee on the Judiciary from the Executive Assistant to the Commissioner of Immigration and Naturalization with reference to the bill (S. 3084) which was a bill passed by the Senate in the 83d Congress for the relief of the same alien, reads as follows:

JUNE 24, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3084) for the relief of Elsa Lederer, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which had custody of those files.

The bill would waive that provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who have been convicted of a crime involving moral turpitude, and would grant the alien permanent residence if she is found to be otherwise admissible. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

_____ _____,
Executive Assistant to the Commissioner
(In absence of Commissioner).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING ELSA LEDERER, BENEFICIARY OF S. 3084

Information concerning this case was obtained from the beneficiary's son-in-law and daughter Rosendo and Elizabeth Hernandez who reside at 638 South Marshfield Avenue, Chicago, Ill.

The beneficiary was born July 11, 1904, at Leipzig, Germany, and has never been in the United States. She is a divorcee and resides in Munich, Germany. Her application for an immigrant visa has been denied for the reason that she admitted the commission and conviction of a crime involving moral turpitude. Rosendo and Elizabeth Hernandez state this crime consisted of the stealing of a small amount of candy and that they are certain that there is no record of this offense but that the beneficiary related it to the American consulate voluntarily. The beneficiary has two married sons in Germany who do not contribute to her support. She is supported to a small extent by doing knitting, but she is mainly supported by food and funds that are being sent to her by Rosendo and Elizabeth Hernandez who state that they send the beneficiary approximately $20 per month in cash, plus food and clothing.

Elizabeth Hernandez, age 22, the daughter of the beneficiary and the only relative of the beneficiary in the United States, was admitted to the United States for permanent residence on November 20, 1951, and married a United States citizen, Rosendo Hernandez, age 27, on February 2, 1952. They have one child. Elizabeth Hernandez is not employed and Rosendo Hernandez is employed as an apprentice draftsman at a salary of about $55 per week. They state that their only asset is personal property valued at about $2,500 and that they have no one dependent upon them for support other than the beneficiary and their child.

Elizabeth and Rosendo Hernandez state that the beneficiary would reside with them if permitted to come to the United States and that she would not become a public charge as she is in good health and capable of finding employment, if necessary. They desire the beneficiary to be admitted to the United States because Elizabeth Hernandez has no relatives in the United States and it would be a morale builder to her and also they desire their child to have the benefit of having her grandmother near her as her paternal grandparents are both deceased.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in connection with the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D. C., March 11, 1954.

Re S. 3084, Elsa Lederer.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

MY DEAR SENATOR LANGER: In order that your committee may be fully advised when consideration is given to the above-named bill, please permit me to submit the following information:

The beneficiary of S. 3084, Mrs. Elsa Lederer, has been found ineligible to receive an immigration visa for admission into the United States because of her conviction of a crime involving moral turpitude. Her offense occurred during the last years of the war in Germany when she was working in a post office in Munich, Germany, at Christmastime. She took three candy bars, for the sole purpose of giving her only child a little Christmas joy.

Mrs. Lederer's daughter, Mrs. Rosendo Hernandez, is now in the United States, and Mr. and Mrs. Hernandez, are anxious to have Mrs. Lederer join them in Chicago, Ill.

It is my sincere belief that this measure merits favorable consideration by your committee.

With kind regards,
Sincerely yours,

PAUL H. DOUGLAS.

DEPARTMENT OF STATE,
Washington, September 30, 1953.

MR. ROSENDO HERNANDEZ,
Chicago 22, Ill.

MY DEAR MR. HERNANDEZ: I refer to my letter of July 20, 1953, and acknowledge the receipt of yours of September 15, 1953, concerning the visa case of your mother-in-law, Mrs. Elsa Lederer.

The American consulate general at Munich has submitted to this Department translations of the law under which Elisabeth Lederer nee Hofbauer was charged and the court record relating to her conviction. It appears from an examination of the court records that Mrs. Lederer is excludable from the United States by reason of her conviction of larceny in violation of paragraph 242 of the German Criminal Code, for which she was sentenced to 8 months' imprisonment and to payment of the costs of the proceedings. A translation of paragraph 242 of the German Criminal Code reads as follows:

"Whoever takes a movable thing which does not belong to him, from another, with the intention of unlawfully converting it, shall be punished for larceny by imprisonment.

"The attempt is punishable."

Aliens who have been convicted of or who admit having committed a crime involving moral turpitude are ineligible to receive visas under the provisions of section 212 (a) (9) of the Immigration and Nationality Act. Larceny, of which Mrs. Lederer was convicted, has been held to constitute a crime involving moral turpitude within the meaning of the aforementioned provision of the law. In view of this fact, Mrs. Lederer has been refused an immigrant visa.

The law vests no discretionary authority in the Department to authorize or in consular officers to issue immigrant visas to aliens who admit having committed or who have been convicted of a crime involving moral turpitude, even though there may have been extenuating circumstances in connection with the commission of the crime, and the alien's conduct since conviction has been exemplary.

I regret my inability to furnish encouraging information in the case of your mother-in-law.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

DEPARTMENT OF STATE,
Washington, D. C., October 26, 1953.

MR. ROSENDO HERNANDEZ,
Chicago, Ill.

MY DEAR MR. HERNANDEZ: I have your letter of October 4, 1953, concerning further the visa case of your mother-in-law, Mrs. Elsa Lederer.

The appealing circumstances surrounding the case are appreciated and you and your wife's desire to have her mother come to this country is understood. However, as Mrs. Lederer has been found ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act, the consular officer concerned has no choice under the law but to withhold a visa in her case and there is no action which the Department can take to provide Mrs. Lederer with a visa for admission into the United States.

In the circumstances, it appears that the only way in which your mother-in-law's admission could be effected would be through the enactment of special legislation on her behalf. This is a matter within the province of the Congress and the Department of State cannot be of assistance in this connection.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Munich, March 4, 1955.

HON. PAUL H. DOUGLAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR DOUGLAS: I have received your letter of February 14, 1955, concerning the immigration case of Mrs. Elsa Lederer.

We have had Mrs. Lederer's case reviewed in the light of section 4, Public Law 770, 83d Congress. As the sentence actually imposed upon her was 8 months, the crime for which she was convicted does not constitute a "petty offense" within the meaning of section 4 of the above law. As the law vests no discretionary authority in consular officers, in such cases, despite extenuating circumstances, her ineligibility to receive a visa is not overcome.

I regret my inability to furnish encouraging information.

Sincerely yours,

J. RAYMOND YLITALO, *American Consul.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 502), as amended, should be enacted.

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Calendar No. 294

84TH CONGRESS, 1st Session | SENATE | REPORT No. 341

AMBROSE ANTHONY FOX

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1035]

The Committee on the Judiciary, to which was referred the bill (S. 1035) for the relief of Ambrose Anthony Fox, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Ambrose Anthony Fox. From and after the date of enactment of this Act, the said Ambrose Anthony Fox shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel the deportation proceedings outstanding in the case of Ambrose Anthony Fox, an alien previously admitted for permanent residence.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native and citizen of Ireland, who first entered the United States at New York on August 26, 1929, when he was admitted for permanent residence and has since resided in the United States continuously. He last entered the United States at Detroit, Mich., on July 4, 1952, upon his return

from a trip through Canada to Niagara Falls, when he was admitted by claiming birth in Detroit, Mich. The beneficiary married a United States citizen on April 7, 1953, and resides with his wife and one child. His mother, father, and 6 brothers all reside in the United States. His deportation would work a hardship on his citizen wife and child. The beneficiary is subject to deportation proceedings as an alien who entered without an immigrant visa and without inspection, and he would be ineligible to receive an immigrant visa because of the manner of his last entry.

A letter, with attached memorandum, dated July 23, 1954, to the then chairman of the Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 2952, which was a bill introduced in the 83d Congress for the relief of the same beneficiary reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 23, 1954.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request to the Department of Justice for a report relative to the bill (S. 2952) for the relief of Ambrose Anthony Fox, there is attached memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States, upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As the beneficiary is the husband of a United States citizen, he would be entitled, if otherwise eligible, to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE AMBROSE ANTHONY FOX, BENEFICIARY OF PRIVATE BILL S. 2952

Ambrose Anthony Fox, a native and citizen of Ireland, was born on April 14, 1925. He last entered the United States at the port of Detroit, Mich., on July 4, 1952, by claiming birth in Detroit, Mich. Deportation proceedings were instituted against him on April 28, 1953, on the ground that he was an immigrant not in possession of a valid immigrant visa at the time of his last entry and that he entered the United States without inspection. He was granted the privilege of voluntary departure in lieu of deportation and has been advised to effect his departure on or before August 31, 1954.

Mr. Fox first entered the United States for permanent residence at the port of New York on August 5, 1929. He has resided in the United States continuously since his first entry. However, during the month of July 1952, he traveled by automobile through Canada to Niagara Falls, N. Y., and returned to the United States through the port of Detroit, Mich., on July 4, 1952. He was questioned by a United States naturalization examiner on March 18, 1953, and admitted that he had last entered the United States by claiming birth in Detroit, Mich.

The beneficiary attended school in Detroit, Mich., and has the equivalent of a high school education. He is employed by the Chrysler Corp., in Detroit, Mich., and has been so employed since July 26, 1949. His workweek is usually 40 hours and he receives $1.89 per hour. He was laid off due to a reduction in force on March 19, 1954, but expects to be recalled in the near future.

The beneficiary's mother and father and six brothers all reside in the United States. Five of his brothers are native-born United States citizens. On April 7, 1953, he was married to Margaret Mary Reekie, a United States citizen. They have one child, Michael Ambrose Fox, who was born in Detroit, Mich.

Mr. Fox resides with his wife and child at 1243 Pennsylvania Avenue, Apartment 9, Detroit, Mich.

Senator Charles E. Potter, the author of the bill, wrote to the then chairman of the Committee on the Judiciary on April 10, 1954, as follows, in connection with the predecessor bill, S. 2952:

UNITED STATES SENATE,
Washington, D. C., April 10, 1954.

Re 2952.

Hon. WILLIAM LANGER,
Chairman, Senate Committee on the Judiciary,
Senate Office Building.

DEAR MR. CHAIRMAN: In support of the measure, S. 2952, which I have introduced for the relief of Ambrose Anthony Fox, I am enclosing supporting evidence.

There is also enclosed the statement by counsel submitted to the Immigration and Naturalization Service in behalf of Mr. Fox together with copy of the decision by the Board of Immigration Appeals dated January 7, 1954. I wish to draw attention to the fact the Board, after careful study, states its agreement that the case is one of extreme hardship correctable only by private legislation.

I have personally inquired into the circumstances of this case and believe Mr. Fox presents a case which is highly justified and merits the favorable action of your committee. Further, I cannot urge too strongly early consideration of this bill as I am personally desirous of obtaining enactment into law of S. 2952 in the current session.

Sincerely yours,

CHARLES E. POTTER,
United States Senator.

Enclosure: Photostat copy marriage license and certificate of marriage; certificate of birth registration; letter dated June 15, 1953, Chrysler Corp.; city of Detroit, department of police; two affidavits of witnesses; copy of appellant's brief dated November 2, 1953; decision of Board of Immigration Appeals, January 7, 1954.

Among the documents referred to in Senator Potter's letter are the following:

UNITED STATES DEPARTMENT OF JUSTICE,
BOARD OF IMMIGRATION APPEALS,
January 7, 1954.

File: E-076349—Detroit (0800).

In re Ambrose Anthony Fox in deportation proceedings in behalf of respondent:
James McEvoy, Jr., Esq., 2017 Penobscot Building, Detroit 26, Mich.

Charges:
Warrant: I. & N. Act—No immigration visa.
I. & N. Act—Entered without inspection.
Lodged: None.

Application: Voluntary departure.

Detention status: Released on conditional parole.

The respondent herein has been found deportable on the above-stated charges. He appeals from an order entered by the special inquiry officer on September 28, 1953, granting him the privilege of voluntary departure in lieu of deportation. Counsel in his brief pleads extreme hardship and seeks relief that would enable respondent to adjust his immigration status and reside with his family in the United States.

The respondent, a native and citizen of Ireland, male, 28 years of age, married, last entered the United States at the port of Detroit, Mich., via the Ambassador Bridge on July 4, 1952. He had been visiting at Niagara Falls, N. Y., and informed the examining immigration officer that he was native born thereby evading inspection as an alien. Respondent was originally admitted to the United States for permanent residence at the port of New York on August 5, 1929, and has resided in the United States continuously since. Respondent at the time of his last entry did not possess an immigration visa, a reentry permit, or a resident alien's border crossing indentification card. The evidence of record affirmatively establishes respondent's deportability on the above-stated charges.

Respondent has been found statutorily eligible for voluntary departure in lieu of deportation. We agree with counsel that the case is one of extreme hardship. Respondent has resided in the United States since he was 4 years of age (24 years). He is married to a United States citizen. He was lawfully admitted for permanent residence in 1929 and has resided in this country continuously since that time.

Respondent is statutorily ineligible for suspension of deportation under section 244 (a) (4) because he has not been physically present in the United States for a

period of 10 years since his last entry. The only relief available is voluntary departure which has already been granted. Adjustment of his status in order that he may continue his residence can only be achieved by private legislation. The appeal will be dismissed.

ORDER: It is directed that the appeal be, and the same is hereby, dismissed.

———— ————, *Chairman.*

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Detroit, Mich., November 2, 1953.

File No. EO76349
In re Ambrose Fox

APPELLANT'S BRIEF

The facts as found by the examiner in this case are substantially correct. However, in his behalf we wish to point out that he first came to this country when a child of 4 years old and that he has lived in the city of Detroit continuously during the past 24 years where his record has been an excellent one. His only schooling was received in this country and since leaving school he has been continuously employed. He is married to a citizen of the United States.

The violation for which he has been cited is in effect a technical one and no intent has been shown on his part actually to commit an offense against the United States. Actually appellant did not visit Canada in the sense that he went from this country to Canada but his sole purpose in making the trip to Canada was to go from Detroit to Niagara Falls, N. Y., another point in the United States and like most people who have lived in the city of Detroit for some time he took the natural and shortest route to reach his destination, namely, from Detroit through Windsor to Niagara Falls, Ontario, and across to Niagara Falls, N. Y., over the accepted travel route between those two points, whether by plane, railroad, or automobile. Except for the time spent traveling on the highway he spent no time in Canada, nor did he have any reason to depart from the United States for any purpose whatsoever except to reach a destination point within the United States.

This is a case of extreme hardship and under the circumstances deportation, particularly to Ireland, seems unreasonable when it is considered that the appellant has an earning capacity of only $76 per week, a wife to support, and because of the low station in life that he has occupied he has been unable to accumulate any sizeable sum of money. Although technically he may be in violation of the law it should also be borne in mind that neither at Detroit, Windsor, or Niagara Falls, Ontario, or Niagara Falls, N. Y., was the appellant arrested for violation of the immigration laws.

Perhaps he was wrong in claiming at that time to be a citizen of the United States but again because of the common practice and the freedom of passage back and forth between the United States and Canada, and in order to facilitate reaching his destination point, he claimed citizenship. Again his intent in so doing was simply to reach his destination and for no other purpose whatsoever and doubtless there are countless cases comparable to his where the individual claiming citizenship is never apprehended.

This matter came to the attention of the Department through the inherent honesty of the appellant when in making application to become a citizen of the United States sometime subsequent to the offense with which he is now charged he disclosed on his application the fact that he had been at least through Canada on one occasion.

Admittedly we have been unable to find within the law a provision for relaxation of the strict rules but in any case there should be an element of clemency and common sense applied when all of the facts in a particular case are carefully weighed. In doing this it should be remembered that since early boyhood the appellant has been born and raised as a citizen and although he did not apply to become one until within the last year his application is evidence of his intention to become a citizen and to accept the responsibilities of such and accordingly, we respectfully request that this matter be given further consideration and a solution other than the necessity of his returning to Ireland be arrived at.

Respectfully submitted.

HAYES, MCEVOY & CARNEY,
JAMES MCEVOY, Jr.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1035), as amended, should be enacted.

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Calendar No. 349

84TH CONGRESS, 1st Session } SENATE { REPORT No. 342

DR. CRISTOJ CRISTOFV, JORDANA DILOVA CRISTOFV, AND GEORGE AND DAPHNE-KREMENA CRISTOFV

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 957]

The Committee on the Judiciary, to which was referred the bill (H. R. 957) for the relief of Dr. Cristoj Cristofv, Jordana Dilova Cristofv, and George and Daphne-Kremena Cristofv, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 1, line 9, strike the words "and head taxes".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Cristoj Cristofv, Jordana Dilova Cristofv, and his children George and Daphne-Kremena Cristofv. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill has been amended inasmuch as the Immigration and Nationality Act does not require the payment of head taxes.

STATEMENT OF FACTS

The beneficiaries of the bill are a husband, wife and two children, natives of Bulgaria, who were born on December 12, 1899, August 12, 1903, December 26, 1930 and September 4, 1932, respectively. They claim to be stateless at the present time. The beneficiaries were admitted to Canada for permanent residence on March 21, 1948.

The husband and father last entered the United States on April 13, 1950, and his wife and children last entered this country on September 22, 1950. The adult male beneficiary received a degree in medicine in 1921 and a doctor of engineering degree in 1928. His purpose in coming to the United States as a visitor was to sell an infant incubator which he had invented. He sold the right of manufacture of the invention to the Shampaine Co., St. Louis, Mo., and has since been affiliated with this company as a consulting engineer. He is also affiliated with the Cook Electric Co., of Chicago, Ill., where officials state that he can make substantial contributions to our defense effort.

A letter, with attached memorandum, dated June 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 4053, which was a bill introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4053) for the relief of Dr. Cristoj Cristofv, his wife Jordana Dilova Cristofv, and his children George and Daphne-Kremena Cristofv, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees and head taxes. It would also direct that the required numbers be deducted from the appropriate immigration quota or quotas. It should be noted, however, that the Immigration and Nationality Act does not require the payment of a head tax.

The beneficiaries are chargeable to the quota of Bulgaria.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DR. CRISTJO CRISTOFV, HIS WIFE JORDANA DILOVA CRISTOFV, AND HIS CHILDREN, GEORGE AND DAPHNE-KREMENA CRISTOFV, BENEFICIARIES OF H. R. 4053

Dr. Cristjo Cristofv, his wife Jordana Dilova Cristofv, and his children, George and Daphne-Kremena Cristofv, natives of Bulgaria, who claim to be stateless, were born on December 12, 1899, August 12, 1903, December 26, 1930, and September 4, 1932, respectively. They were admitted to Canada for permanent residence on March 21, 1948, and entered the United States as temporary visitors from that country. Dr. Cristofv last entered the United States on April 13, 1950, and his wife and children, on September 22, 1950. Their temporary stay in the United States was extended to July 12, 1951.

In deportation proceedings, the aliens were found to be subject to deportation on the ground that, after admission as visitors, they had remained longer than permitted. They were granted the privilege of departing voluntarily from the United States. Their appeal to the Board of Immigration Appeals was dismissed on May 27, 1953.

According to Dr. Cristofv, he attended universities in Bulgaria, Rumania, and Germany from 1917 until 1921, when he received the degree of doctor of medicine. He then enrolled in the Technical University in Berlin, Germany, and continued in attendance until 1928, when he was awarded the degree of doctor of engineering. From 1928 until 1934, he was employed in Bulgaria in various governmental positions and as a high school instructor. From 1934 until his departure from Bulgaria in 1944, he manufactured electrical apparatus, chemicals, and pharmaceutical products. During World War I, Dr. Cristofv served in the Bulgarian Army from January to November 1918. He did not perform military service during World War II.

Mrs. Cristofv also was a student in Germany, although maintaining her residence in Bulgaria. She was married to Dr. Cristofv in Berlin, Germany, on November 26, 1924.

After leaving Bulgaria in 1944, the Cristofv family sojourned in a number of European countries until 1948 when they were admitted to Canada for permanent residence. In Canada, Dr. Cristofv was employed as a director of research for Surgical Supplies of Canada, Ltd., Toronto, Canada, from April 1948 until November 1949.

According to Dr. Cristofv, he has obtained a number of patents in the electrical and technical field. His purpose in coming to the United States as a visitor was to sell an infant incubator, which he had invented. He sold the right of manufacture and sale of the invention to the Shampaine Co., St. Louis, Mo., for $5,400. He has since been affiliated with this company as a consulting engineer, receiving approximately $7,100 a year.

Since 1950 this family has resided in St. Louis, Mo. Mrs. Cristofv has not been employed. George Cristofv attended Washington University, St. Louis, Mo., for a short time after his last entry into the United States. Thereafter he was employed by various companies as a salesman. Daphne-Kremena Cristfv also attended Washington University. Since 1952 she has been employed as a saleslady.

Action on this legislation was delayed in the 83d Congress by the Committee on the Judiciary of the House of Representatives inasmuch as certain information derogatory to the senior beneficiary reached that committee. At the committee's request, extensive investigations were conducted by the proper agencies of the United States Government in this country and abroad. The results of this and an additional investigation have satisfied the committee that the beneficiaries of the bill are deserving of the legislative relief proposed by the bill.

Congressman Thomas B. Curtis testified before a subcommittee of the Committee on the Judiciary of the House of Representatives in support of the bill. In addition, former Senator Scott W. Lucas filed the following affidavits with the Committee on the Judiciary of the House of Representatives in support of the bill:

WASHINGTON 6, D. C., *March 7, 1955.*

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: At the hearing this morning on H. R. 957, for the relief of Dr. Cristjo Cristofv, his wife Jordana Dilova Cristofv, and his children George and Daphne-Kremena Cristofv, it was requested that the Cook Electric Co. submit an affidavit for the record with respect to (1) the fact that Dr. Cristofv is now associated with the Cook Electric Co., and (2) the fact that Dr. Cristofv's background and experience would indicate that he can make unique contributions to the defense effort.

Such an affidavit is enclosed.

Yours very sincerely,

LUCAS & THOMAS,
By SCOTT W. LUCAS.

CITY OF WASHINGTON,
District of Columbia, ss:

Robert C. Edwards, first having been duly sworn, deposes as follows:

1. That he is a member of the board of directors of the Cook Electric Co., Chicago, Ill.

2. That he is authorized to make the statements in this affidavit.

3. That Dr. Cristjo Cristofv is associated with the Cook Electric Co.

4. That the Cook Electric Co., through its various divisions, is engaged in commercial and defense work, the latter including activities with respect to electronics and the physical sciences of a classified nature for all branches of the armed services.

5. That in connection with the work now being undertaken by Cook Electric Co. as well as in its definitely scheduled future work, there is a distinct place in

which Dr. Cristofv, by virtue of his education and specific prior research experience, can make substantial and unique contributions. In general, it may be stated that Dr. Cristofv's special contributions will be in the field of explosives research.

6. That this type of work is of a classified nature and Dr. Cristofv's availability to engage in this activity for the security and defense of the United States must await the passage of the pending bills (H. R. 957 and S. 1046).

7. That, in the opinion of the Cook Electric Co., the nature of Dr. Cristofv's potential contribution to the national defense effort is such that his availability should not unnecessarily be delayed and that expeditious passage of H. R. 957 and S. 1046 will be an aid to the national defense effort.

ROBERT C. EDWARDS.

Before me, a notary public in and for the District of Columbia, on this 7th day of March 1955, personally appeared and known to me to be Robert C. Edwards who, on oath, states that the foregoing statement is true to the best of his knowledge and belief.

[SEAL]

MARY J. BRUMLEY,
Notary Public, District of Columbia.

My commission expires September 14, 1957.

Senator Hennings, Senator Symington, and Senator Douglas have introduced in the Senate S. 1046, a bill for the relief of the same beneficiaries. In view of the fact that the committee is reporting favorably on H. R. 957, the bill, S. 1046, will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 957), as amended, should be enacted.

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Calendar No. 350

84TH CONGRESS, 1st Session } SENATE { REPORT No. 343

MAY 16 1955
LAW LIBRARY

FEDERICO UNGAR FINALY

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1012]

The Committee on the Judiciary, to which was referred the bill (H. R. 1012) for the relief of Federico Ungar Finaly, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Federico Ungar Finaly. The bill provides for the payment of the required visa fee. The bill has been amended to remove the quota deduction, inasmuch as the beneficiary was in possession of a quota immigration visa when he applied for admission into the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native of Hungary and citizen of Venezuela who last arrived in the United States on June 4, 1953, in possession of a nonpreference Hungarian quota immigration visa. On June 9, 1953, the Public Health Service certified that the beneficiary was found to be afflicted with pulmonary tuberculosis. On June 15, 1953, the beneficiary was given a hearing by the Special Inquiry Section. The beneficiary withdrew his application for admission for permanent residence and the special inquiry officer ordered

that the beneficiary be admitted as a visitor for treatment upon the posting of a bond. The beneficiary is single and helps support his mother, who resides in Argentina. He has a sister who is a legal resident of the United States and a second cousin who is a United States citizen. The beneficiary has substantial assets, and the Aula Chemical Co., of Elizabeth, N. J., states that if the beneficiary is permitted to remain in the United States, they would be interested in his services in view of the beneficiary's extensive experience in the textile industry. It is stated that the beneficiary's tuberculosis condition is now considered inactive and noncontagious.

A letter, with attached memorandum, dated June 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 6986, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JUNE 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6986) for the relief of Federico Ungar Finaly, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota for Hungary.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FEDERICO UNGAR FINALY, BENEFICIARY OF H. R. 6986

Federico Ungar Finaly, born February 18, 1919, at Budapest, Hungary, a citizen of Venezuela by naturalization, made his last entry into the United States at New York on June 4, 1953, in possession of a nonpreference Hungarian quota immigration visa. On June 9, 1953, the Public Health Service certified that the applicant had been examined and found to be afflicted with pulmonary tuberculosis. On June 15, 1953, the beneficiary was given a hearing by the Special Inquiry Section. The beneficiary withdrew his application for admission into the United States for permanent residence. The special inquiry officer ordered that the beneficiary be admitted as a visitor for treatment for a period until December 15, 1953, upon the posting of a public charge, treatment, and departure bond in the sum of $1,000. Mr. Finaly has received one extension to June 15, 1954. On September 18, 1953, the Board of Immigration Appeals ordered that the action of the special inquiry officer be approved. Mr. Finaly's only other entry into the United States occurred in March 1949 as a visitor for business, and he departed March 17, 1949.

The beneficiary is single and helps support his mother, Mrs. Lensle Ungar Finlay, residing in Argentina, by contributing $1,500 to $2,000 per year. His sister, Clara Justus, a legal resident, and a second cousin, George Neumann, a United States citizen, both residing in Ossining, N. Y., are his only relatives in the United States.

Mr. Finaly's assets consist of $10,000 in National City Bank, New York, $2,000 in travel checks and 800 shares of stock in three United States corporations. His education consists of a degree in chemistry awarded June 1937 by the Royal Hungarian Industrial School in Budapest.

The subject's pulmonary tuberculosis condition is now considered inactive and noncontagious according to test made by Trudeau-Saranac Institute for the Clinical and Experimental Study of Pulmonary Tuberculosis.

Congressman Ralph W. Gwinn, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives in support of the bill. In addition, the following letters, addressed to the chairman of the Committee on the Judiciary of the House of Representatives, were submitted in support of the bill:

TRUDEAU-SARANAC INSTITUTE FOR THE CLINICAL AND EXPERIMENTAL STUDY OF PULMONARY DISEASE,
Trudeau, N. Y., February 1, 1955.

Re Federico Ungar Finaly, H. R. 1012, introduced by Hon. Ralph W. Gwinn, January 5, 1955

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR SIR: The matter of a bill to permit the immigration of Mr. Federico Ungar Finaly into the United States is reported to come under your jurisdiction.

I have known Mr. Ungar since June 1953 at which time he presented himself for evaluation of his pulmonary tuberculosis known to be present for 23 years. He told me he came to this country having been told by his physicians in Venezuela and the physician of the United States consulate there that his tuberculosis was stable and had been for some years prior to his departure from Venezuela. We confirmed the diagnosis of pulmonary tuberculosis from an X-ray standpoint. During our period of observation there has been no evidence of a cavity and repeated examinations for infectiousness have been negative. This includes 12 gastric-washing cultures. He has denied all symptoms referable to the lungs and physical examination of the chest has been noncontributory.

In my opinion his tuberculosis is not active at this time, is not infectious, and he is not a menace to his fellow man. I can see no reason, from a health standpoint, for denying him admission to this country. In addition, in my acquaintance with him, I found him to be a likeable, intelligent, and dependable person. I believe he is worthy of your efforts to secure him admission to this country.

Respectfully yours,

ROGER S. MITCHELL, M. D.,
Clinical Director.

AULA CHEMICALS, INC.,
Elizabeth, N. J., February 11, 1955.

Re bill H. R. 1012 on behalf of Federico Ungar Finaly

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

SIR: According to information received, the above bill has been introduced by Congressman Ralph W. Gwinn of New York on behalf of Mr. Ungar Finaly, to secure his lawful immigration to the United States. We know Mr. Ungar Finaly for some time and consider him a very well-trained technical man whose immigration to the United States would be in our judgment an asset to our country. Mr. Ungar Finaly has extensive experience in the textile industry and is qualified in the arts of textile printing, dyeing, and finishing. We request you to support the bill introduced on his behalf.

We may mention that we ourselves would be interested in the services of Mr. Ungar Finaly should he be admitted as an immigrant to the United States.

Thanking you for your kind attention to this matter, we are

Yours very truly,

LASZLO AUER, *President.*

OSSINING, N. Y., *January 21, 1955.*

Hon. EMANUEL CELLER,
Judiciary Committee, House Office Building,
Washington, D. C.

HONORABLE SIR: I am writing to you at this time to request that you please support H. R. 1012, a bill for the relief of my brother, Federico Ungar Finaly. I am an American citizen, and he is my only brother, I have no other brothers

or sisters. Our father is deceased and our mother will soon be here from Argentina from where she is emigrating.

My brother obtained his American immigration visa in Caracas, but upon his arrival here he was found ineligible because of a TB condition. He was admitted for treatment. Although he is better, we are told that he is not eligible for a visa and that his only remedy is a private bill, which Mr. Gwinn so kindly introduced.

My brother is a textile industrial engineer and could be of great value to this country. He is a good brother and a man who has done much good. In fact, I owe my life to him, as it was he who arranged for my escape from Hungary. He has been very good to our mother and in fact still supports her from his savings, as he earns nothing here, not being permitted to take employment.

He has been here since the 4th of June 1953 and has not been employed. This also is a great hardship on him. I therefore beg you to please support this bill so that he may become a useful resident of this country.

Yours very truly,

CLARA JUSTUS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1012), as amended, should be enacted.

○

Calendar No. 280

84TH CONGRESS, 1st Session } SENATE { REPORT No. 344

MAY 16 1955
LAW LIBRARY
UNIV. OF MICH.

CAPT. MOSES M. RUDY

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. DANIEL, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1142]

The Committee on the Judiciary, to which was referred the bill (H. R. 1142) for the relief of Capt. Moses M. Rudy, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, lines 1 and 2, strike the words "in excess of 10 per centum thereof".

PURPOSE

The purpose of the proposed legislation, as amended, is to authorize the Secretary of the Treasury to pay the sum of $2,435.73 to Capt. Moses M. Rudy, United States Air Force, of San Antonio, Tex., in full settlement of all his claims against the United States for losses sustained by him on account of the destruction by fire of his household goods and personal effects at Whittier, Alaska, on June 17, 1953, for which he has not heretofore been compensated.

STATEMENT

The records of the Department of the Air Force disclose that the claimant suffered this loss while his personal property was being shipped pursuant to Government orders. He filed a claim under the provisions of the Military Personnel Claims Act in the amount of $5,469.38. After careful consideration, the Department of the Air Force determined that his claim was valid to the extent of $4,935.73. This claim could be approved in the amount of only $2,500 since the act of July 3, 1952, which amended the Military Personnel Claims Act, limited the jurisdiction of that act to that amount. A check dated June 22, 1954, in the amount of $2,500 was forwarded to Captain Rudy in settlement of his claim.

The Department of the Air Force, in reporting on the instant bill, is of the opinion that Captain Rudy has a just and valid claim in the amount of $2,435.73 and recommends that the claimant be reimbursed in that amount.

In its report, the Department of the Air Force stated, in part, as follows:

The situation in which Captain Rudy finds himself is one which happens frequently. He is forced to undergo a delay in recovering sufficient money to reequip himself and family with necessary household goods and personal effects after this accident. To prevent the hardships of claimants suffering the necessary delay of private relief legislation, the Department of Defense has recommended deletion of the $2,500 ceiling in the present law. This proposal was forwarded to the Speaker of the House of Representatives on January 5, 1955, and was referred to the Committee on the Judiciary.

The committee is in agreement with the conclusion reached by the Department of the Air Force that this claim should be favorably considered. The committee, therefore, recommends favorable consideration of H. R. 1142, as amended.

Attached hereto and made a part hereof is the report submitted by the Air Force on the instant bill and other evidentiary data relating to this claim.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, February 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for comments of the Department of the Army concerning H. R. 1142, 84th Congress, a bill for the relief of Capt. Moses M. Rudy. Because Captain Rudy was a member of the Air Force and not the Army Reserve, your letter was referred to the Department of the Air Force by the Secretary of the Army.

The bill, if enacted, would direct the payment of the sum of $5,469.38 to Capt. Moses M. Rudy in compensation for his loss of personal property destroyed by fire at Whittier, Alaska, while awaiting shipment to the United States.

The claimant, an Air Force officer, suffered this loss while his personal property was being shipped pursuant to Government orders. He filed a claim under the provisions of the Military Personnel Claims Act in the amount of $5,469.38. After careful consideration, determination was made that his claim was valid to the extent of $4,935.73. This claim could be approved in the amount of only $2,500 since the act of July 3, 1952, which amended the Military Personnel Claims Act, limited the jurisdiction of that act to that amount. A check dated June 22, 1954, in the amount of $2,500 was forwarded to Captain Rudy in settlement of his claim.

The Department of the Air Force believes that Captain Rudy has a just and valid claim remaining in the amount of $2,435.73 and has no objection to the enactment of H. R. 1142 if amended to provide for this lesser amount. The Department further recommends that the words "Army Reserve" be deleted from line 6 and the words "United States Air Force" be substituted therefor.

The situation in which Captain Rudy finds himself is one which happens frequently. He is forced to undergo a delay in recovering sufficient money to reequip himself and family with necessary household goods and personal effects after this accident. To prevent the hardships of claimants suffering the necessary delay of private relief legislation, the Department of Defense has recommended deletion of the $2,500 ceiling in the present law. This proposal was forwarded to the Speaker of the House of Representatives on January 5, 1955, and was referred to the Committee on the Judiciary.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

DAVID S. SMITH,
Assistant Secretary of the Air Force.

CASE NO. 1—PERMANENT STORAGE

34 bath towels
19 washcloths
2 linen towels
16 sheets
22 pillow cases
1 apricot wool blanket
2 bath towels
1 blue blouse
1 skirt
6 dresses (washable)
1 plaid coat
Books and papers
1 straw bag
1 lamp shade
1 washboard
1 box stationery
2 white tablecloths
12 napkins
4 aprons
2 boxes lanolin soap
2 large cloths
1 pair khaki
2 pair pants
2 shirts
1 candy thermometer
4 hot plates
1 bread basket
1 bath brush
1 large aluminum pail
2 regular pails
1 gold perfume bottle
1 scarf
4 doilies
1 maroon dress
1 camel coat
1 white bolero
1 pair brown pants
1 pair green pants
1 "us" picture
1 Mrs. Rudy, Sr., picture
1 Army bag
1 sachet
2 stuffed cats
1 icebag
1 blue bowl

(Note.—Above listing made by Mrs. Phil Stillman, mother-in-law, on July 30, 1951. Signed "M. M. R.," March 29, 1954.)

A true copy.

M. M. MARTIN,
Acting Base Claims Officer.

PERMANENT STORAGE

1. TV (shipped to Houston)
2. 12 by 15 rug
3. Machine, bench, and cabinet
4. Washing machine
5. Refrigerator
6. Stove
7. Breakfast room, chrome set, and 4 chairs
8. Fine crystal and dishes
9. Extra pots
10. 5-piece silver service
11. Sterling holloware, etc., silver
12. Linens
13. 4-piece mahogany bedroom set
14. Professional books and papers
15. Garden hose, etc.
16. Antique clock

SHIP TO ALASKA

1. Folding bed
2. Floor lamp
3. Head of machine
4. 2 card tables
5. Electric heater
6. Golf clubs and golf shoes
7. Clock
8. Toaster
9. Iron
10. Mixer-meat grinder
11. Waffle iron
12. Heating pad
13. Everyday dishes, silver, pots, pans, and glasses
14. Vacuum cleaner
15. 2 wooden trays
16. Linens
17. Blankets
18. Silverware
19. Spring and mattress, Simmons
20. Typewriter
21. Few books
22. Clothing
23. Some tools
24. Throw rug
25. Extension cords
26. Shower curtain sets
27. Radio
28. 9 by 12 rug
29. Hide-a-Bed

(NOTE.—Above listing prepared by Mrs. Mildred S. Rudy about July 29, 1951. Signed "M. M. R." March 29, 1954.)

A true copy.

M. M. MARTIN,
Acting Base Claims Officer.

4 bath towels, yellow
4 face towels
1 washcloth
4 bath towels, red
4 face towels
4 washcloths
4 bath towels, green
4 face towels, green
2 bath towels, white, yellow border
2 face towels, white, yellow border
2 washcloths
4 bath towels, pink
4 face towels
4 washcloths
2 bath towels, blue
2 bath towels
2 washcloths
2 white washcloths
4 everyday tablecloths
1 Mexican cloth with 8 napkins
1 dresser scarf and 2 matching scarfs
2 green guest towels
1 bridge table and napkins
2 linen hand towels
3 yellow everyday towels
8 table-place mats, 1 table runner and 8 napkins
6 white napkins
1 pink bath mat
1 tablecloth, white, 6 napkins
4 cannon sheets
8 percale, 81 by 108 sheets
2 rose pepperell sheets
2 rose pillowcases
2 peach pillowcases
2 peach pillowcases
21 white pillowcases
12 embroidered pillowcases
1 pillow cover

(NOTE.—Above listing prepared by Mrs. Mildred S. Rudy about July 28, 1951. Signed: "M. M. R." March 29, 1954.)
A true copy.

M. M. MARTIN, *Acting Base Claims Officer.*

Funk-Wagnalls new standard encyclopedia, 25 new books
13 professional books
7 history books
1 poetry book, Grace T. Hufford and Laura Mae Carlisle
1 Our First Music
1 Maytag cookbook
13 additional professional books
Professional papers, boxed
1 new bed pan
1 used tennis racket
1 meat grinder
1 toaster
1 barbecue pit, value $7.98
1 Eroxmus picture of Santa Claus
1 small fan (used)

(NOTE.—Above listing was made about July 29, 1951 by Mrs. Mildred S. Rudy. Items were in storeroom at Lullwood St. Signed, "M. M. Rudy," March 29, 1954.)
A true copy.

M. M. MARTIN,
Acting Base Claims Officer.

BOX NO. 1—TO SHIP TO ANCHORAGE

3 throw rugs, wool
1 Mexican scarf, wool
1 small scarf, wool
1 woolen blanket
1 Indian wool rug
2 Army blankets
1 Sunbeam toaster
1 pair shoes
8 pieces material (3 in 1 package)
2 tablecloths and 6 napkins
3 bath towels
1 tray
1 quilt
2 boxes soap
1 Colorado picture
Curtains
Hot-water bottle
Rubber bath mat
1 box poker chips
6 extra napkins
1 bath rug
1 cushion cover

(NOTE.—Above listing made by Mrs. Phil Stillman, mother-in-law, on July 30, 1951. Temporary storage items. Signed "M. M. R." March 29, 1954.)
A true copy.

M. M. MARTIN, *Acting Base Claims Officer.*

Box No. 2

1 plane
4 old sheets
15 dish towels
12 toilet paper
Powder puff
2-piece silver steak set
1 silver soup ladle
1 round buffet tray
1 bread silver
1 box hats
1 aqua suit
1 brown wool suit
1 tweed suit
1 summer suit
1 saw
2 dish pans
1 pair silver salt and pepper
2 boxes stationery
1 picture
Clothespins
1 paper dinner set
1 shoe-shine outfit
1 hacksaw
1 pair boots
1 fur coat
1 wool shirt
1 wool cap
1 silver meat platter
1 chest silver flatware and pie server
4 silver compotes
1 silver pitcher
3 piece serv-a-set, silver
4 boxes Kleenex
1 electric heater
1 pair brown shoes
1 package ties

(Note.—Above listing made by Mrs. Phil Stillman, mother-in-law, on July 30, 1951. Temporary storage items.)

Signed "M. M. R." March 29, 1954.

A true copy.

M. M. MARTIN,
Acting Base Claims Officer.

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Calendar No. 351

84TH CONGRESS
1st Session

SENATE

REPORT
No. 345

MAY 16 1955
LAW LIBRARY
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NICHOLAS JOHN MANTICAS, ANNE FRANCIS MANTICAS, YVONNE MANTICAS, MARY MANTICAS, AND JOHN MANTICAS

MAY 9 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1328]

The Committee on the Judiciary, to which was referred the bill (H. R. 1328) for the relief of Nicholas John Manticas, Anne Francis Manticas, Yvonne Manticas, Mary Manticas, and John Manticas, having considered the same, reports favorably thereon with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

On line 5, strike the name "Yvonne Manticas,".
On line 11, strike out "five" and insert "four".
Amend the title to read

A bill for the relief of Nicholas John Manticas, Anne Francis Manticas, Mary Manticas, and John Manticas.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Nicholas John Manticas, Anne Francis Manticas, Mary Manticas, and John Manticas. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill has been amended to remove the name of one of the beneficiaries at the request of the sponsor of the bill, inasmuch as an administrative remedy is available to her.

STATEMENT OF FACTS

The beneficiaries of the bill are a husband and his wife and their three minor children and they are all natives and citizens of Greece. The father was admitted to the United States on February 22, 1946,

as an auditor for the United Nations and Rehabilitation Administration. The other beneficiaries were admitted on April 26, 1947, to join Mr. Manticas. Mr. Manticas left his employment in December of 1948 and accepted employment with the Voice of America of the Department of State where he is still employed. It is stated that his services are very valuable to that organization.

A letter, with attached memorandum, dated December 17, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 2415 which was a bill passed by the House of Representatives in the 83d Congress for the relief of the same aliens, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
December 17, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2415) for the relief of Nicholas John Manticas, Yvonne Manticas, Mary Manticas, and John Manticas, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees. It would also direct that four numbers be deducted from the appropriate immigration quota. It is noted that Anne Francis Manticas, wife of the principal beneficiary, is not included as a beneficiary in the bill, although this Service was advised that it was the intention of the author that she be so included. If she is added to the listed beneficiaries it will require the deduction of five quota numbers from the appropriate quota.

The aliens are chargeable to the quota of Greece.

Sincerely,

_____,
Acting Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NICHOLAS JOHN MANTICAS, YVONNE MANTICAS, MARY MANTICAS, AND JOHN MANTICAS, BENEFICIARIES OF H. R. 2415

The aliens, Nicholas John Manticas, Yvonne Manticas, Mary Manticas, and John Manticas, all natives and citizens of Greece, were born August 6, 1904, July 8, 1932, and February 13, 1937 (twins), respectively. The first-named alien was admitted to the United States on February 22, 1946, for the duration of his status as an auditor for the United Nations Relief and Rehabilitation Administration, Washington, D. C. The other beneficiaries and their mother, Anne Francis Manticas, who was born in Greece on February 27, 1910, were admitted at New York, N. Y., on April 26, 1947, to join Mr. Manticas.

The beneficiaries applied for adjustment of their status under section 4 of the Displaced Persons Act of 1948, as amended, and their applications were denied on the ground that they were not eligible for that status because they were not subject to persecution in their native Greece or prohibited from returning there.

The first-named beneficiary, after his admission to the United States as an employee of the United Nations Relief and Rehabilitation Administration, left that employment in December of 1948 and subsequently entered the employment of the Department of State (Voice of America Division), in New York City, where he is still employed. His present salary is about $7,200 per year. His wife and the two youngest children are not employed and are wholly dependent upon him for support. The beneficiary, Yvonne Manticas (Persephone), was married on June 28, 1952, to William Pappas, a native-born United States citizen, but still resides with the family in their residence in New Jersey. She is employed as a secretary in a New York City bank.

The adult male beneficiary has a college education and was employed for about 20 years in Greece as an officer in a British-owned banking firm. The bank closed in 1946 and he secured employment with the United Nations Relief and Rehabilitation Administration in Greece. He was later transferred to China, and subsequently to the United States by that organization. The rest of his family, which had always resided in Greece, joined him in the United States and all have resided here since. The combined net worth of the family is about $5,000. They have no relatives in the United States. Under date of October 2, 1951, a unit supervisor of the International Broadcasting Division (Voice of America), of the Department of State, recommended Mr. Nicholas John Manticas highly, as valuable to that agency.

The aliens were the beneficiaries of S. 1213, 81st Congress, H. R. 6797, 82d Congress, which failed of passage.

Congressman Frank C. Osmers, Jr., the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement in connection with the bill:

STATEMENT BY CONGRESSMAN FRANK C. OSMERS IN BEHALF OF H. R. 2415, FOR THE RELIEF OF NICHOLAS JOHN MANTICAS AND HIS FAMILY

The record will show that Mr. Manticas and his family are citizens of Greece and that Mr. Manticas was admitted to the United States on February 22, 1946, as an auditor for the United Nations Relief and Rehabilitation Administration. In December of 1948 he entered the employ of the Department of State (Voice of America Division) where he is still employed.

Letters in my file from representatives of the Voice of America indicate that Mr. Manticas has worked hard and well for the Department, and therefore for the United States and that he and his family suffered great hardship during the German occupation of Greece. He was forced to sell all his possessions, including his home, in order to maintain himself and his family.

For these reasons I respectfully ask your favorable consideration of H. R. 2415.

Nicholas J. Manticas, the senior beneficiary of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and submitted the following statement:

I was a schoolboy when I first started to think and dream about America and Americans, whose textbooks and language I was studying at Anatolia College and later at Robert College. But mainly, it was my father who was the great admirer of Americans and who first instilled in me the desire to get to know them and live among them. This, in fact, was his own dream but he died before seeing it come true.

I was more fortunate to have this chance, which was presented to me in 1946 through UNRRA, with an offer of transfer from Greece to China and from China to Washington headquarters. After UNRRA wound up its operations early in 1949, I was offered a position with the United States Information Agency (then under the State Department) as a script writer and information specialist for the Greek language unit of the Voice of America. I am still with the agency but now as an editor and political writer and commentator, explaining in our broadcasts twice a day the United States policies and beliefs and striving for a better understanding between the American people and the peoples abroad.

One of my first acts, after my arrival in this country, in December 1946, was to bring here my family consisting of my wife and three children. They were kids when they came 8 years ago, they have now grown into young people, one of them married to an American now serving his country in Germany.

My reasons for seeking permanent residence in the United States are simple: For the past 8 years I have been building up a new home in this country, realizing thus the ambition of my early life. It is a natural wish to try to solidify this new home and become eligible, myself and the members of my family, for citizenship. Even if I wanted to go back to Greece, I would feel and be a stranger there. Here is now my home by a freely made choice, and I am asking for the right to keep it that way.

NICHOLAS J. MANTICAS.

JUNE 14, 1954.

In addition, the House committee files contain the following letters with reference to the bill:

FORT LEE, N. J., *June 14, 1954.*

Re H. R. 2415 introduced by Representative Frank C. Osmers, Jr.

Hon. LOUIS E. GRAHAM, M. C.
Chairman, Judiciary Subcommittee No. 1,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: When I appeared, this morning, before your committee, I was under the strain of a severe headache caused by a sleepless night trip from New York and, I am afraid, I made a rather poor presentation of my case.

May I, therefore, respectfully, ask for your permission to add the following to my verbal statement:

That my family is one of those which suffered great hardships during the German occupation of Greece, and sought haven in the United States.

That if we would be asked to leave the country, we would again face new hardships, for we no more have a home in Greece, and due to the prevailing general conditions there and the fact that I no longer am a young man, there are no prospects for me to be able to start a new life all over again in Greece.

That 2 of my 3 children are still in high school, and it would be unfair to them, should their studies be disrupted, inasmuch as, after 8 years in the United States, they are completely adjusted to the life and language here, and aspire to become citizens and serve the country.

And may I add, Mr. Chairman, that over and above all material elements and practical factors that may contribute to the support of my case, there stands out the fact that myself and the other members of my family are morally, spiritually and emotionally bound to this country, its people and its destinies. Personally, I have been serving loyally the United States Government for more than 5 years now as one of its spokesmen in our Voice of America daily broadcasts to the peoples abroad.

Sincerely yours,

NICHOLAS J. MANTICAS.

UNITED STATES INFORMATION AGENCY,
BROADCASTING SERVICE,
New York, N. Y., June 10, 1954.

Hon. FRANK OSMERS,
United States House of Representatives,
Washington, D. C.

DEAR FRANK: I am informed that the House Judiciary Subcommittee will, next Monday, consider bill H. R. 2415 which you introduced on behalf of Mr. Nicholas Manticas and his family.

In support of his case I would like to say that Mr. Manticas' services to the Greek Language Unit of the International Broadcasting Service of USIA, are most valuable both as a news and commentary writer and as assistant to the editor. His thorough knowledge of the Greek language and of United States-Greek affairs, as well as his other exceptional qualifications and ability, contribute heavily to the success of the Greek shortwave broadcasts. His two promotions since he joined the Service in 1949 reflect the high quality of his work.

Alien though he is, Mr. Manticas has constantly demonstrated his loyalty to the ideals of the United States. I, therefore, consider his services essential to the operation of the Unit and I do hope that the committee will consider favorably bill H. R. 2415 for his and his family's relief.

With kindest personal regards,

Most sincerely yours,

GERALD DOOHER,
Chief, Near East and South Asia Division.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1328) should be enacted.

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